

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

ORIGINAL

74-1827
75-1200

B
Page 5

United States Court of Appeals

For the Second Circuit.

UNITED STATES OF AMERICA,

Appellee.

v.

PEDRO MORELL and RAMON BRUZON,

Appellants.

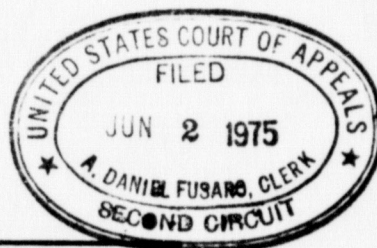
*On Appeal from Judgment of the United States District Court
Eastern District of New York*

S U P P L E M E N T A L A P P E N D I X

**SANTANGELO & SANTANGELO
Attorneys for Appellants**

253 Broadway
New York, New York
(212) 267-4488

HON. DAVID G. TRAGER
United States Attorney
for the Eastern District of New York
Attorney for Appellee
225 Cadman Plaza East
Brooklyn, New York 11201
(212) 596-3059



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PAGINATION AS IN ORIGINAL COPY

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LETTER FROM AUSA CAROL AMON AND DOCUMENTS ATTACHED THERETO

PBB:CA:sd

HAND DELIVERED

December 20, 1974

Honorable Mark A. Costantino
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Pedro Morell and
Ramon Bruzon 72 CR 644

Dear Judge Costantino:

On December 17, 1974, the Court of Appeals remanded the above-captioned case to the District Court for a determination of whether or not appellants' rights under Brady v. Maryland, 373 U.S. 83 (1963) were violated by the failure of the United States Attorney's Office to turn over at trial material contained in two files the existence of which were not known by this office until two weeks ago. Our letter of December 11, 1974, which advised the Court of Appeals of these events is enclosed herewith and is self-explanatory. The order of the Court of Appeals, which followed, is also enclosed.

In view of the evidence, brought out at the trial, of Valdez' criminal record and cooperation with the Government, we emphatically maintain that the information contained in those files presents no issue under Brady. Therefore, pursuant to our third recommendation in the letter to the Court of Appeals, we are enclosing herewith and forwarding to defense counsel copies of all material in the files which relate to Valdez' trial testimony. We submit that a review of these materials will show, as a matter of law, that the information contained therein neither materially contradicts Valdez' testimony nor discloses any new areas of cross-examination. Moreover, since the trial of this case, it has been learned that Valdez was, in fact, no longer on probation at the time of trial thus foreclosing any serious argument as to any improper motivation for his testimony. (See Order of United States District Judge, W.O. Mehrtens, dated July 16, 1973, a copy of which is enclosed herewith).

Honorable Mark A. Costantino

December 20, 1974

We intend to turn over the two files in their entirety for your Honor's in camera inspection on the date set for whatever "hearing" you should deem appropriate. Prior to that hearing, however, we suggest that it is incumbent upon defense counsel to file with the Court a memorandum or brief containing any arguments they may wish to make with respect to these materials. We would further request that a schedule be established for the filing of their brief, our response and the hearing on this matter.

Respectfully,

DAVID G. TRAGER
United States Attorney

By: Carol Amon
Carol Amon
Assistant U.S. Attorney

cc: Honorable Lewis Orgel
U.S. District Court Clerk
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York

George L. Santangelo, Esq.
253 Broadway
New York, New York 10007

Barry Slotnick, Esq.
15 Park Row
New York, New York

Enclosures

SA3

WHT

1-1127

United States Department of Justice

UNITED STATES ATTORNEY

EASTERN DISTRICT OF NEW YORK
FEDERAL BUILDING
BROOKLYN, N. Y. 11201

December 11, 1974

RECEIVED

DEC 12 1974

CHAMBERS OF
WILLIAM H. TIMBERS
BRIDGEPORT, CONN. U.S.C.J.

Honorable A. Daniel Fusaro
Clerk, United States Court of Appeals
for the Second Circuit
U. S. Courthouse
Foley Square, New York

Re: United States v. Morrell and Bruzon,
Docket No. 74-1827

Dear Mr. Fusaro:

The above captioned appeal is scheduled for oral argument on Tuesday, December 17, 1974. The panel which will hear this case has, to our knowledge, not been published. Therefore, would you kindly transmit the enclosed copies of this letter to the Judges who have been designated to hear the case.

Appellant's brief has previously been filed. ~~Contemporaneous with this letter, the United States has~~ submitted for filing page proofs of its brief in response. In Point I of their brief, appellants urge that reversal of their judgments of conviction is required because the Government failed to turn over to defense counsel, at the trial, documents relating to the prior arrest, plea and conviction of the informant witness, Alfredo Valdez. Appellants claim a violation of the rule announced in Brady v. Maryland, 373 U.S. 83 (1963). We have urged, in response, that these particulars were elicited during the course of Valdez' testimony and that, accordingly, appellants suffered no prejudice by reason of the Government's inability to produce whatever documents might have related to the matters requested by appellants.

Late last week, in the course of preparing the Government's brief, we obtained from the Drug Enforcement Administration two confidential files relating to Valdez. Had the existence of those files been known to the United States Attorney's office at the time of appellants' trial, which they were not, they would, as a matter of standard practice, have been given to the District Judge for his in camera inspection of their contents. Relevant material would have been given directly to defense counsel.

Honorable A. Daniel Fusaro
Clerk, United States Court of
Appeals for the Second Circuit

December 11, 1974

Based upon our review of those files, we believe that they do not contain any information tending to show the appellants' innocence. Moreover, we believe that they do not contain any materially impeaching information which, if "developed by skilled counsel...., could have induced a reasonable doubt in the minds of enough jurors to avoid a conviction". United States v. Miller, 411 F.2d 825, 832 (2d Cir. 1969). However, we believe that it would be inappropriate for our office to exercise, during the appellate process, a unilateral judgment which we traditionally forsake at the trial stage. Accordingly, we suggest three alternative courses of action:

- (1) This Court should retain jurisdiction over this appeal and remand the case to the District Court for a hearing. See United States v. Brawer, 432 F.2d 117, 136 (2d Cir. 1973); or
- (2) This Court should examine the two files and determine, in camera, whether the Government is correct in its assessment of the materials in them. Cf. United States v. Badalamente, F.2d _____ (2d Cir. slip opinions, 5899, 5909; decided November 21, 1974); or
- (3) This Court should permit the United States to excise those file entries which relate to the witness' testimony and include them as part of the record on appeal. Rule 10(e), F.R.A.P. In turn, we would make an additional copy of those materials available to appellate counsel for such consideration and further briefing as they may deem necessary; allowing the United States a reasonable time in which to file a responsive brief. We would also, under this alternative, submit both files, in their entirety, for this Court's in camera inspection.

Whichever alternative is employed, and we believe the last one is most appropriate, we would impress upon the Court the absolute necessity that these files be received in camera for the sole review by the Court and its staff without the participation by defense counsel. We make

SA5

Honorable A. Daniel Fusaro
Clerk, United States Court of
Appeals for the Second Circuit

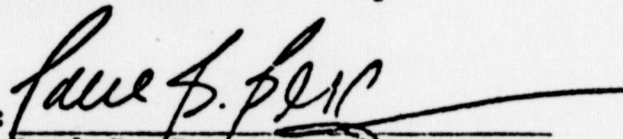
December 11, 1974

this request because the files contain, for the most part,
specific information concerning other, non-related
investigations initiated by Valdez.

Respectfully,

DAVID G. TRAGER
United States Attorney

By:


Paul B. Bergman
Assistant U. S. Attorney
Chief, Appeals Division

cc: Barry Ivan Slotnick, Esq.
15 Park Row
New York, N. Y. 10038

George L. Santangelo, Esq.
253 Broadway
New York, N. Y. 10007

United States Court of Appeals

FOR THE
SECOND CIRCUIT

DEC 17 1974

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 17th day of December one thousand nine hundred and seventy-four.

Present:

HON. HENRY J. FRIENDLY
HON. WILLIAM H. TIMBERS
HON. MURRAY I. GURFEIN

Circuit Judges,

UNITED STATES OF AMERICA,

Appellee,

v.

PEDRO MORELL and RAMON BRUZON,

Appellants.

74-1827

Appeal from the United States District Court for the Eastern District of New York

This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, ~~advised,~~ ~~noted,~~ ~~that the~~ ~~that this case is remanded to the~~ ~~district court with instructions to make appropriate findings of fact and conclusions of law with respect to the disclosures made by the government in its letter dated December 11, 1974 addressed to the Clerk of this Court, a copy of which is herewith attached.~~

HENRY J. FRIENDLY
United States Circuit Judge

WILLIAM H. TIMBERS
United States Circuit Judge

MURRAY I. GURFEIN
United States Circuit Judge

SA7

COOPERATING INDIVIDUAL PAYMENT CARDC.I. No. SG100024/SC100057

Card No. _____

DATE	AMOUNT	METHOD			PERIOD COVERED	PURPOSE OF PAYMENT (Show in full, inc. file no.)	PAID BY
		Cash	Check	GTR			
4/11/72	\$250-	X					
6/01/72	\$1500-	X					
7/13/72	\$250-	X					
9/15/72	\$200-	X					
1/07/72	\$350-	X					
1/30/73	\$250-	X			1/13/73 - 1/23/73	Rediem CS-73-0013	02/1/73
2/01/73	\$250-	X			1/24/73 - 2/2/73	Rediem CS-73-0013	2/1/73
4/03/73	\$500-	X				SERV CS-73-0004/CS-73-0013	4/1/73
5/10/73	\$100-	X				CS-73-0036 w/c expenses	5/1/73
2/15/73	\$1000-	X				CS-73-0036 services	2/15/73

SA8

AUG 09 1973

FORM 6 (REV. 7/70)

PORT OF INVESTIGATION

PAGE 1 OF 1

TITLE Informant File: SC100057		IDENTIFIER	FILE NUMBER
		PROGRAM CODE "COOPERATING INDIVIDUAL"	
ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION ACTION REQUESTED FROM COMPLETED	OTHER OFFICERS		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Eugene F. Mc Elroy Special Agent Westbury, New York July 31, 1973		RELATED FILES	

NT RE:
Sixty Day Status Report - August, 1973

1. During the past reporting period SC100057 was responsible for the arrest of _____ and the seizure of approximately 1/4 kilogram of cocaine and one motorcycle.
2. SC100057 was also responsible for _____, which were culminated during the past reporting period with the arrest of five defendants.
3. SC100057 has received \$1,000.00 during the past reporting period and has been interviewed by Group Supervisor Slowik. SC100057 has been unable to supply any non-drug related intelligence and has been unable to supply any intelligence concerning Operation _____.
4. During the past reporting period, SC100057 has received permission from the United States Probation Department to relocate out of the country. SC100057 has no pending cases, but will return to this country to testify in existing cases in the Eastern District of New York.
5. It is requested that SC100057 continue to be utilized as a Cooperating Individual.

ONLY COPY AVAILABLE

ON	SIGNATURE (Agent)	
DRICT	Eugene F. Mc Elroy, Special Agent	
W	APPROVED (Name and title)	DATE
	William C. Slowik, Acting Group Supervisor	

PAR: 07/31/73

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Bureau of Narcotics and Dangerous Drugs
Department of Justice

ENC

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COPY 5

SA9

Voucher No. _____
Schedule No. _____

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

PAID BY

1. Agency Drug Enforcement Administration
2. Name of claimant Gerald S. Graffam
3. Address 900 Ellison Avenue, 4th Floor, Westbury, New York 11590

4. This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual ☐ Payment of Reward ☐ Purchase of Evidence

5. REMARKS: Payment for resulting in the arrest of one defendant, the seizure of approximately 176 grams of cocaine, and the seizure of a 1972 Honda Motorcycle. Relocation expenses and final payment for 11 other cases.

DA4-C3
Regional Funds

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

a. ☒ I certify I received payment in the amount \$ 1,000.00 for purposes as stated above.
b. ☐ I certify that I rendered services as stated above for which payment thereof has not been received.
(Sign Copy 3 only) Richard Walsh date 7-18-73
(Identification no.) SC100057

6. I certify that payment of \$ 1,000.00 was made for services or evidence as stated above and that credit has not been received.

(Sign original only) _____ date _____
a. Type name of Special Agent Gerald S. Graffam
b. Approval of Supervisor William G. Slowik date 7/18/73
(Type name) William G. Slowik, G/S

7. Approval by Bureau when required

8. Accounting Classification

9. Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment in the amount of \$ 1,000.00

(Sign original only) _____ date _____
(Type name of authorized certifying officer)

10. Paid by Check No. _____

11. Received in Cash, \$ 1,000.00

Richard Walsh date 7/18/73
Signature of Claimant

William G. Slowik
Group 26 Supervisor
Westbury District Office
Eugene F. Mc Elroy
Special Agent - Group 26
Westbury District Office

July 12, 1973

Payment of funds to cooperating individual - SC100057

In December of 1969, SC100057 was arrested in Miami, Florida, and charged with violation of 26 U. S. C. 4704 (a). He was arrested with one (1) kilogram of cocaine. Subsequent to his arrest, SC100057 agreed to cooperate with the Bureau of Narcotics and Dangerous Drugs in that he would assist in the initiation of cases against drug peddlers. On April 1, 1970, SC100057 was convicted of violation of 26 U. S. C. 4704 (a).

SC100057 subsequently introduced an undercover Agent to
The introduction resulted in
the purchase of 1/8 kilogram of cocaine in Miami by the Agent.
was convicted and was sentenced to five years.
and were both subsequently sentenced to five years.

In April of 1971, SC100057 introduced an undercover Agent to a previous Federal violator and a large scale narcotic trafficker in the Bedford-Stuyvesant area of Brooklyn, New York. The introduction resulted in the purchase by the Agent on two separate occasions of 1/8 kilograms of high-grade heroin. In January of 1972, a co-defendant was arrested and the main violator in the case is presently a fugitive in the New York area.

In August of 1971, SC100057 negotiated with two large scale Puerto Rican narcotic violators in the New York area, under the surveillance of the Bureau of Narcotics and Dangerous Drugs Agents. SC100057 then travelled to Miami, Florida, and introduced an Agent to these men. The introduction resulted in the arrest of three defendants and the seizure of seven (7) kilograms of pure cocaine. The third defendant was the smuggler of the cocaine and a . All three defendants were sentenced to a Federal Penitentiary.

July 12, 1973

In December of 1971, SC100057 was negotiating for a delivery of three to four kilograms of heroin with two major narcotic traffickers in the New York/New Jersey area. As a result of these undercover negotiations, SC100057 and another member of his family were shot critically in his home. Both later recuperated.

In April of 1972, SC100057 was responsible for the arrest of two large scale cocaine dealers in the Queens, New York area, C5-72-0039. His cooperation resulted in the arrest of the two defendants in May of 1972, and the seizure of ten (10) pounds of cocaine. The case is still pending in the Eastern District of New York.

In December of 1972, SC100057 introduced an undercover Agent in case [redacted]. The introduction resulted in the purchase of 1/8 kilogram of cocaine and the arrest of five defendants.

In January, 1973, case [redacted] was initiated by SC100057, in which he introduced an undercover Agent to three large scale violators in the Jackson Heights, New York area. The introduction resulted in the purchase of 1/8 kilogram of cocaine and the subsequent arrest of the three defendants.

In March of 1973, SC100057 introduced an undercover Agent in a New York Joint Task Force case, which resulted in the purchase of 1/8 kilogram of cocaine from four defendants. The attempted seizure of one kilogram of cocaine was thwarted, and the defendants were charged with conspiracy to sell one (1) kilogram of cocaine and the sale of 1/8 kilogram of cocaine.

In January of 1973, SC100057 introduced an Agent to two large scale cocaine traffickers in the Queens, New York area, resulting in the purchase of 1/8 kilogram of cocaine and the arrest of two defendants.

In case [redacted] the cooperation of SC100057 resulted in the seizure of 1/8 kilogram of cocaine and the arrest of two defendants and seizure of one vehicle.

In case [redacted] the cooperation of SC100057 resulted in the seizure of 1/4 kilogram of cocaine, the seizure of one motorcycle, and the arrest of one defendant.

Since the arrest of defendants in the above cases, SC100057 has received many threats against his life and that of his family. The cooperating individual has been forced to move from his residence and send his family to [redacted]

cc: 20
cc: 24
cc: Informant File

EFM:las

JUN 12 1973

REPORT OF INVESTIGATION

PAGE 1 OF 1

FILE TITLE Informant File: SC100057		IDENTIFIER	FILE NUMBER
		PROGRAM CODE COOPERATING INDIVIDUAL	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED FROM	<input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS	CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DATE Eugene F. Mc Elroy Special Agent Westbury, New York May 30, 1973		RELATED FILES	
REPORT RE: Status report on SC100057			

1. During the past reporting period, SC100057 was responsible for initiating case in which an introduction of an undercover Agent is expected in the near future.
2. SC100057 has received no monies nor has supplied any non-drug intelligence during the past reporting period. SC100057 has been debriefed by Inspector Wolfe and Group Supervisor Slowik during the past reporting period, and has no pending cases in which he is a defendant. During the past reporting period, SC100057 has been debriefed concerning operation and was unable to offer any drug related intelligence.
3. It is requested that SC100057 continue to be utilized as a cooperating individual.

ION	SIGNATURE (Agent)
TRICT	Eugene F. Mc Elroy, Special Agent
ER	APPROVED (Name and Title)
	William C. Slowik, Group Supervisor
	DATE

LAS: 5/30/73

Bureau of Narcotics and Dangerous Drugs
Department of Justice

ENC

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SA13

Voucher No. _____
Schedule No. _____

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

PAID BY

Agency Bureau Of Narcotics and Dangerous Drugs

Name of claimant Eugene F. Mc Elroy

Address 900 Ellison Ave., Westbury, N.Y.

This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual ☐ Payment of Reward ☐ Purchase of Evidence

REMARKS: Undercover Expenses incurred by S-C1-0-0057 in
in Spanish Bar in Jackson, Heights, N.Y.
IM4-C3

Regional funds
A-358-73

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

☒ I certify I received payment in the amount \$ 100.00 for purposes as stated above.

☐ I certify that I rendered services as stated above for which payment thereof has not been received.

(Sign Copy 3 only)

(Identification no.)

Alfred Valeri
S-C1-0-0057

date _____

I certify that payment of \$ 100.00 was made for services or evidence as stated above and that credit has not been received.

(Sign original only)

date

4/10/73

a. Type name of Special Agent Eugene F. Mc Elroy

b.

Approval of Supervisor

(Type name)

William Slowik
William Slowik

date

4/10/73

Approval by Bureau when required

9. Accounting Classification

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment in the amount of \$ 100.00

(Sign original only)

date

(Type name of authorized certifying officer)

Paid by Check No. _____

12. Received in Cash, \$ 100.00

ONLY COPY AVAILABLE

Signature of Claimant

date

Eugene F. Mc Elroy
4/11/73

SA14

555 West 57th Street, Suite 1900
New York, New York 10019

APR 11 1973

April 6, 1973

District Director Sol Marks
Immigration and Naturalization Service
20 West Broadway
New York, New York

Reference: Alfredo VALDES

Dear Sir:

In December, 1969, Alfredo VALDES was arrested by the Bureau of Narcotics and Dangerous Drugs for violation of the Federal Narcotic Laws. In April of 1970, VALDES was convicted of violation of 26 U. S. C. 4704 (a), and subsequently sentenced to three (3) years probation because of his cooperation with the Bureau of Narcotics and Dangerous Drugs.

VALDES is a Cuban National and is a permanent resident of the United States. VALDES is married and has an infant child born in the United States. His wife has lately been declared an illegal alien because of her failure to apply for an extension.

VALDES is an active high level cooperating individual for the Bureau of Narcotics and Dangerous Drugs and is presently involved in six active investigations for our Office. It will be necessary for VALDES to testify in these cases at their completion.

It is requested by the Bureau of Narcotics and Dangerous Drugs that VALDES and his wife be permitted to remain in the United States until these cases are brought to a conclusion. The names and Immigration and Naturalization Service numbers of the persons for whom this request is being written are as follows:

Alfredo VALDES - A12853108

Rosa CONSUEGRA - A19498852

Very truly yours

Daniel P. Casey
Regional Director

Thomas P. Taylor
Deputy Associate Regional Director

cc: 60
cc: 64
cc: 66
cc: Informant File
TPT/EFM:las

SA15

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

Voucher No. _____
Schedule No. _____

PAID BY

Agency U.S. Dept of Justice, Bureau of Narcotics & Dang. Drugs

Name of claimant S/A Gerald S. Graffam

Address 900 Ellison Ave., Westbury, New York

This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual

☐ Payment of Reward

☐ Purchase of Evidence

REMARKS

Payment of \$500.00 to SC100057 for services rendered in

at al. purchase of approx. 1/8 kilo of cocaine for \$3500.00 on

2/6/73 at 6:30p.m. at

Corona, N.Y. (DA4C3) and in case

4:30p.m. at

seizure of 1/8 kilo of cocaine on 2/12/73 at
Queens, N.Y. (DA4C3).

Payment made by S/A McElroy & G/S Slowik on 4/3/73.

REGIONAL FUNDS

A-347-73

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

☒ I certify I received payment in the amount \$ 500.00 for purposes as stated above.

☐ I certify that I rendered services as stated above for which payment thereof has not been received.

SC100057

(Sign Copy 3 only) X Alfredo Valde
(Identification no.)

date 4/3/73

I certify that payment of \$ 500.00 was made for services or evidence as stated above and that credit has not been received.

(Sign original only)

date 4/3/73

a. Type name of Special Agent

b. Approval of Supervisor
(Type name)

William G. Slowik

date 4/3/73

Witness; S/A Eugene P. McElroy

Approval by Bureau when required

9. Accounting Classification

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment in the amount of
500.00

(Sign original only)

date

(Type name of authorized certifying officer)

and by Check No.

12. Received in Cash, \$ 500.00

Signature of Claimant

date 4/3/73

REPORT OF INVESTIGATION

PAGE 1 OF 1

FILE TITLE Informant File: SC100057		IDENTIFIER	FILE NUMBER
		PROGRAM CODE COOPERATING INDIVIDUAL	
ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/>	OTHER OFFICERS		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
ACTION REQUESTED FROM: Eugene F. Mc Elroy Special Agent Westbury, New York April 3, 1973			
REPORT RE: Status report on SC100057			

1. During the past reporting period, SC100057 has been responsible for initiating Ct-73-0026 and introducing an undercover Agent to The introduction resulted in the purchase of 1/8 kilogram of cocaine.
2. SC100057 was responsible for initiating which resulted in the seizure of 1/8 kilogram of cocaine the arrest of two defendants and the seizure of one vehicle. As a result of SC100057's introduction of an undercover Agent to , during a previous reporting period, the undercover Agent was able to purchase 1/8 of a kilogram of cocaine involving three defendants.
3. SC100057 received a reward of \$200.00 from the New York Joint Task Force for services in during the past reporting period, and has supplied no non-drug intelligence. SC100057 has been debriefed by Group Supervisor Slowik during the past reporting period and has no pending cases in which he is a defendant.
4. It is requested that SC100057 continue to be utilized as a cooperating individual.

ON RICT ER	SIGNATURE (Agent) Eugene F. Mc Elroy, Special Agent	
	APPROVED (Name and title) William G. Slowik, Group Supervisor	DATE

LAS: 4/4/73

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Department of Justice

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FEB 22 1973

REPORT OF INVESTIGATION

PAGE 1 OF 1

FILE TITLE Informant File: SC100057		IDENTIFIER	FILE NUMBER
		PROGRAM CODE COOPERATING INDIVIDUAL	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM:	OTHER OFFICERS		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DATE Eugene P. Mc Elroy Special Agent Westbury, New York February 5, 1973		RELATED FILES	

REPORT FILE:

Status Report on SC100057

1. During the past reporting period, SC100057 has been responsible for initiating 1 introducing an undercover Agent to the subject of the investigation. A purchase of cocaine is expected in the near future.
2. SC100057 has also introduced an undercover Agent to the subject of investigation in and a purchase of 1/8 kilogram of cocaine was made by the Agent.
3. SC100057 received per diem payment of \$25.00 per day for a ten day period during the past reporting period and has provided no non-drug intelligence. The cooperating individual has been debriefed by Group Supervisor Scharland during the past reporting period, and has no pending cases in which he is a defendant.
4. It is requested that SC100057 continue to be utilized as a cooperating individual.

REGION	SIGNATURE (Agent)	
DISTRICT	Eugene P. Mc Elroy, Special Agent	
OTHER	APPROVED (Name and title)	DATE
ONLY COPY AVAILABLE	William G. Slawik, Group Supervisor	

LAS: 2/7/73

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 Bureau of Narcotics and Dangerous Drugs
 Department of Justice

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SA18

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

Voucher No. _____
Schedule No. _____

PAID BY

1. Agency Bureau of Narcotics and Dangerous Drugs
2. Name of claimant Eugene F. Mc Elroy
3. Address 900 Ellison Avenue, 4th floor, Westbury, New York 11590

4. This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual ☐ Payment of Reward ☐ Purchase of Evidence

5. REMARKS: Per diem payment of \$25.00 per day for the period of January 24, 1973
through February 2, 1973, for services rendered in C5-73-0013 and C5-73-0004.

DA4-C3
Regional Funds

1-307-23

6. CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

a. ☒ I certify I received payment in the amount \$ 250.00 for purposes as stated above.

b. ☐ I certify that I rendered services as stated above for which payment thereof has not been received.

(Sign Copy 3 only) [Signature] date _____
(Identification no.) SC100357

7. I certify that payment of \$ _____ was made for services or evidence as stated above and that credit has not been received.

(Sign original only)

a. Type name of Special Agent

Eugene F. Mc Elroy

b. Approval of Supervisor
(Type name)

Jeffrey J. Schardt, C/S

8. Approval by Bureau when required

9. Accounting Classification

10. Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment in the amount of \$ _____

(Sign original only)

(Type name of authorized certifying officer)

11. Paid by Check No. _____

12. Received in Cash, \$ 250.00

Signature of Claimant

date _____

Instructions for preparation of form are on reverse side.

Copy - 3 - Cooperating Individuals File

SA19

Voucher No. _____
Schedule No. _____

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

PAID BY

Agency Bureau of Narcotics & Dangerous Drugs

Name of claimant SA Eugene F. McElroy

Address 1200 Elliman Ave. Westbury, N.Y.

This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual



Payment of Reward



Purchase of Evidence

REMARKS:

DA-1-65 Report 1116

5-1-72

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)



I certify I received payment in the amount \$ 250.00 for purposes as stated above.



I certify that I rendered services as stated above for which payment thereof has not been received.

(Sign Copy 3 only)

Albert J. Alder

date

11/2/72

(Identification no.)

21-1116-51

I certify that payment of \$ _____ was made for services or evidence as stated above and that credit has not been received.

(Sign original only)

a. Type name of Special Agent

Eugene F. McElroy

date

b.

Approval of Supervisor

(Type name)

Henry D. Pyla

date

1/2/73

Approval by Bureau when required

9. Accounting Classification

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment in the amount of _____

(Sign original only)

(Type name of authorized certifying officer)

date

Paid by Check No. _____

12. Received in Cash, \$ _____

Signature of Claimant

date

11/2/72

REPORT OF INVESTIGATION

PAGE 1 OF 1

FILE TITLE Informant File SG100024		IDENTIFIER	FILE NUMBER
PROGRAM CODE COOPERATING INDIVIDUAL			
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED FROM:	<input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS	CROSS FILE <input checked="" type="checkbox"/> SC100057 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BY Eugene F. Mc Elroy AT Special Agent Westbury, New York DATE December 7, 1972		RELATED FILES	

REPORT RE:

Status Report — Change of Informant Code Number

1. SC100057 was a cooperating individual in the New York area. His cooperating individual number was changed to SG100024 for the purpose of cooperating in Miami, Florida.
2. It is requested that the cooperating individual be given his original number SC100057.
3. The cooperating individual is presently and will continue to cooperate in the New York area.

REGION	SIGNATURE (Agent) Eugene F. Mc Elroy, Special Agent	
DISTRICT	APPROVED (Name and title) Jeffrey I. Scharlatt, Group Supervisor	DATE

PAT: 12/08/72

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ENC

DEC 19 1972 COPY 4

ND FOR

REPORT OF INVESTIGATION

PAGE 1 OF 1

TITLE Informant File SG100024		IDENTIFIER 	FILE NUMBER
ACTION REQUESTED FROM <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED Eugene F. Mc Elroy Special Agent Westbury, New York December 7, 1972		PROGRAM CODE COOPERATING INDIVIDUAL	
OTHER OFFICERS 		CROSS FILE <input type="checkbox"/> CI-72-0213 <input type="checkbox"/> CI-72-0164 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	RELATED FILES
REPORT BY Status Report			

1. During the past reporting period, SG100024 introduced a New York Joint Task Force Undercover Agent to an individual in Jackson Heights, New York which resulted in the purchase of 1/8 kilogram of cocaine in case. The introduction also resulted in the initiation of case.
2. SG100024 was paid \$300.00 on November 7, 1972, by New York Joint Task Force for furtherance of case.
3. The cooperating individual has not furnished any non-drug information during the past reporting period. SG100024 has been debriefed by Group Supervisor Jeffrey I. Scharlatt during this period.
4. It is requested that SG100024 continue to be utilized as a cooperating individual.

ON RICT IN	SIGNATURE (Agent) Eugene F. Mc Elroy, Special Agent APPROVED (Name and title) Jeffrey I. Scharlatt, Group Supervisor	DATE
------------------	---	----------

PAT: 12/08/72

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SA22

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCEVoucher No. _____
Schedule No. _____

PAID BY

Agency New York Joint Task Force

Name of claimant S/A Joseph Flannery

New York Joint Task Force

Address 201 Varian St., New York, New York

Voucher Being Used For (Check one):

Payment to Cooperating Individual ☐ Payment of Reward ☐ Purchase of Evidence ☐

Remarks Payment of \$200.00 Official Agency Award to S/A Flannery

for information

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

I certify I received payment in the amount \$ 200.00 for purposes as stated above.

I certify that I rendered services as stated above for which payment thereof has not been received.

(Sign Copy 3 only) _____ date 11-7-72

(Identification no.) 11-1-111

I certify that payment of \$ 200.00 was made for services or evidence as stated above and that credit has not been received.

(Sign original only) _____ date 11-7-72

a. Type name of Special Agent S/A Joseph Flannery RFD

b. Approval of Supervisor George L. Petros date 11-7-72

(Type name) Capt. George L. Petros - Deputy Chief NYJTF

Approval by Bureau when required

9. Accounting Classification

In accordance with authority vested in me, I certify that this voucher is correct and proper for payment in the amount of _____

(Sign original only) _____ date _____

(Type name of authorized certifying officer)

Payment by Check No. _____

12. Received in Cash, \$ 200.00

ONLY COPY AVAILABLE

S/A Joseph Flannery RFD date 11-7-72

Signature of Claimant

REPORT OF INVESTIGATION

PAGE 1 OF 1

FILE TITLE Informant File SG100024		IDENTIFIER	FILE NUMBER
		PROGRAM CODE COOPERATING INDIVIDUAL	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED FROM: <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS Jeffrey I. Scharlatt, G/S Thomas F. Sheehan, S/A		RELATED FILES C5-72-0039 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DATE James G. Forget Special Agent Westbury, New York October 10, 1972			

 REPORT RE:
Status Report on SG100024

1. During the past reporting period, SG100024 has been frequenting the , Manhattan, New York, attempting to meet with had offered to sell the cooperating individual kilogram quantities of heroin, and is presently awaiting delivery.
2. SG100024 has received a per diem payment of \$200.00 for services in cases C5-72-0039, and for a current investigation.
3. SG100024 has not furnished any non-drug information during the past reporting period.
4. The cooperating individual has been debriefed by Group Supervisor Scharlatt and Special Agent Sheehan.
5. It is requested that SG100024 continue to be used as a cooperating individual.

REGION	SIGNATURE (Agent)	
DISTRICT	James G. Forget, Special Agent	
OTHER	APPROVED (Name and title)	DATE
	Jeffrey I. Scharlatt, Group Supervisor	

PAT: 10/10/72

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SA24

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

Voucher No. _____
Schedule No. _____

PAID BY

Agency BUREAU OF NARCOTICS AND DANGEROUS DRUGS

Name of claimant Special Agent Eugene F. McElroy

Address 900 Ellison Ave, Westbury, N.Y.

This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual

☐ Payment of Reward

☐ Purchase of Evidence

REMARKS Per Diem payment to S-G1-0-0024 for services in
and an upcoming investigation.
DA4 C3, Regional Funds

C5-72-0039

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

☒ I certify I received payment in the amount \$ 200.00 for purposes as stated above.

☐ I certify that I rendered services as stated above for which payment thereof has not been received.

(Sign Copy 3 only)

(Identification no.)

X [Signature]
S-G1-0-0024

date 9/15/72

I certify that payment of \$ _____ was made for services or evidence as stated above and that credit has not been received.

(Sign original only)

a. Type name of Special Agent

Eugene F. McElroy

date _____

b. Approval of Supervisor
(Type name)

Jeffrey I. Scharlatt

date _____

Approval by Bureau when required

9. Accounting Classification

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment in the amount of
200.00

(Sign original only)

(Type name of authorized certifying officer)

date _____

and by Check No. _____

12. Received in Cash, \$ 200.00

Signature of Claimant

date 9/15/72

REPORT OF INVESTIGATION

PAGE 1 OF 1

TITLE		IDENTIFIER	FILE NUMBER
Informant File: SG100024		PROGRAM CODE COOPERATING INDIVIDUAL	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED FROM: <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DATE Eugene F. Mc Elroy Special Agent Westbury, New York September 14, 1972		RELATED FILES	

REPORT RE: Debriefing of SG100024

1. On September 12, 1972, Special Agent Mc Elroy spoke telephonically to SG100024. The cooperating individual told Special Agent Mc Elroy that he met an individual named _____ in Manhattan, who offered to sell him kilo quantities of heroin.

2. _____; further stated to the cooperating individual that his source of supply is _____, and that they were waiting for the heroin shipment to arrive within the next month.

4. Because SG100024 must frequent the _____ to further negotiations with _____, it is requested that he be paid \$25.00 per diem from September 2, 1972 through September 12, 1972.

REGION	SIGNATURE (Agent)	
DISTRICT	Eugene F. Mc Elroy, Special Agent	
OTHER	APPROVED (Name and title)	DATE
	Jeffrey L. Scherlatt, Group Supervisor	

IAS: 9/14/72

Bureau of Narcotics and Dangerous Drugs
Department of Justice

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REPORT OF INVESTIGATION

PAGE 1 OF 1

LE TITLE Informant File: SG100024		IDENTIFIER	FILE NUMBER
		PROGRAM CODE COOPERATING INDIVIDUAL	
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ACTION REQUESTED <input type="checkbox"/> REQUESTED ACTION COMPLETED	OTHER OFFICERS	CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	RELATED FILES
FROM: Eugene F. Mc Elroy Special Agent Westbury, New York August 9, 1972			
REPORT RE: Status Report of SG100024			

1. During the past reporting period, SG100024 has been awaiting the return and still is awaiting the return of _____, with a large quantity of cocaine from South America. The cooperating individual has already received a sample of cocaine from _____.
2. On July 13, 1972, SG100024 received \$250.00 per diem payment from the Bureau of Narcotics and Dangerous Drugs for the period of July 3, 1972 through July 13, 1972. The cooperating individual has been unable to furnish any non-drug intelligence during the past reporting period.
3. On July 19, 1972, a letter was sent from the Bureau of Narcotics and Dangerous Drugs in behalf of SG100024 to United States Attorney Rust of the Southern District of Florida. SG100024 is on three years Federal probation and has no pending Federal or local cases.
4. It is requested that SG100024 continue to be used as a cooperating individual. The cooperating individual has been interviewed by Group Supervisor Scharlatt during the past reporting period.

REGION	SIGNATURE (Agent)	
DISTRICT	Eugene F. Mc Elroy, Special Agent	
OTHER	APPROVED (Name and title)	DATE
	Jeffrey L. Scharlatt, Group Supervisor	

LAS: 8/9/72

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Department of Justice

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90 Church Street
New York, New York 10007

July 19, 1972

Honorable Robert W. Rust
United States Attorney
Southern District of Florida
14 N. E. 1st Avenue
Room 300
Ainsley Building
Miami, Florida 33132

Attention: Mr. Bruce E. Wagner
Assistant United States Attorney

Reference: Alfredo Valdes

Dear Sir:

In December, 1969, Alfredo Valdes was arrested in Miami, Florida, and charged with violation of 26 USC 4704(a). He was arrested with one (1) kilogram of cocaine. Subsequent to his arrest, Valdes agreed to cooperate with the Bureau of Narcotics and Dangerous Drugs; in that, he would assist in the initiation of cases against drug peddlers. On April 1, 1970, Valdes was convicted of violation of 26 USC 4704(a).

Valdes subsequently introduced an undercover Agent to [redacted] and [redacted]. The introduction resulted in the purchase of 1/8 kilogram of cocaine in Miami by the Agent. 16

In June, 1971, Valdes introduced an undercover Agent to [redacted] and [redacted]. The introduction resulted in two separate purchases of 1/8 kilograms of heroin from [redacted] and the subsequent arrest of [redacted] in the New York Region. [redacted] is presently on bail awaiting trial in the Eastern District of New York. 2-

In August, 1971, Valdes travelled [redacted] and introduced an undercover Agent to [redacted]. The introduction resulted in the arrest of [redacted] and the seizure of seven kilograms of cocaine. [redacted] is a [redacted] and the smuggler. of the cocaine. The case is now pending.

In December, 1971, Valdes was negotiating for a shipment of heroin (approximately 3 to 4 kilograms) with [redacted], both considered large scale narcotic traffickers in the New York/New Jersey area. As a result of this undercover negotiation, Valdes was shot critically. He later recuperated.

July 19, 1972

On May 1, 1972, Valdes introduced an undercover Agent to

1. Valdes had previously received a sample of

1. Negotiations are presently taking place for delivery and subsequent seizure of one kilogram of cocaine in this case.

Because of the value of Valdes as a Cooperating Individual, the Bureau of Narcotics and Dangerous Drugs is interceding in behalf of Valdes at this time. It is requested by this Bureau that Valdes be given a suspended sentence, probation, with the stipulation that Valdes continue to cooperate with the Bureau of Narcotics and Dangerous Drugs.

Sincerely,

Daniel F. Casey
Regional Director

EPM:par

cc: RD
cc: Bureau
cc: 64
cc: 71
cc: Mr. James F. Haran
Probation - Brooklyn, New York
cc: Mr. Herman C. Robson
Probation - Miami, Florida

June 15, 1972

STATEMENT OF SG100024 TAKEN IN QUEENS, NEW YORK BY SPECIAL AGENTS EUGENE F. MC ELROY AND TIMOTHY J. TIERNEY ON JUNE 1, 1972, RELATIVE TO CASE C5-72-0039.

On May 24, 1972, I went to 90-19 31st Avenue, Queens, New York to contact two men I know as Pedro MORELL and Ramon BRUZON. They were supposed to have multi-kilogram quantities of cocaine to sell. When I got to 90-19 31st Avenue, I went inside and talked to Pedro MORELL. He said that he and BRUZON had just received a shipment of cocaine, but that I had to talk to Ramon BRUZON about it.

I waited until approximately 6:30 PM at which time I called Ramon BRUZON at his home. BRUZON told me to meet him at THE ESCORIAL BAR on the corner of 37th Avenue and 85th Street, Queens, New York, to make plans for the sale of multiple kilogram quantities of cocaine, for \$12,500.00 per kilogram.

I then called Special Agent Mc Elroy and told him what had happened. He advised me to meet with BRUZON and try to get a price of \$12,000.00 per kilogram.

I met BRUZON at the bar on 37th Avenue and 85th Street, Queens, New York, at approximately 11:00 PM and we made arrangements for me to buy four kilograms of cocaine for \$48,000.00 on the following day, Thursday, May 25, 1972, at 90-19 31st Avenue, Queens, New York, between 4:30 PM and 5:30 PM. BRUZON said that the price was right for him, but that I would have to go see MORELL for MORELL's agreement to the deal.

I then went to my house and contacted Special Agent Mc Elroy and informed him of what had happened and he instructed me to go see MORELL at MORELL's apartment to further negotiate the deal.

I went to MORELL's apartment at about 1:00 AM on May 25, 1972. MORELL and I talked about the price of \$48,000.00 for four kilograms of cocaine. After which I returned home.

I called Special Agent Mc Elroy at about 8:30 AM, May 25, 1972, and told him that MORELL and BRUZON had agreed to sell me the cocaine later that afternoon at 90-19 31st Avenue, Queens, New York.

On May 25, 1972, at approximately 2:00 PM, I met Special Agents Mc Elroy and Tierney at my apartment to complete plans for the meeting that afternoon with MORELL and BRUZON. The Agents searched me and then we went to eat lunch and meet other Agents at 108th Street, Queens, New York.

The Agents then drove me to my car parked on 83rd Street, Queens, New York, where they searched my car and put a black attache case with \$48,000.00

Alfredo V. V. V.

in it in the trunk of my car. I then got into my car and drove to 90-19 31st Avenue, Queens, New York, with the Agents following me at all times. At approximately 4:45 PM, I went up to the door of 90-19 31st Avenue, Queens, New York, and was let inside by Pedro MORELL. When I got inside, I talked with MORELL and BRUZON about the cocaine I was going to buy that day and also about future purchases of cocaine. MORELL and BRUZON then took me into the basement of 90-19 31st Avenue and showed me plastic bags with cocaine in them.

I walked outside and opened the trunk of my car which was a pre-arranged signal to the Agents that I had seen the cocaine. As I walked back into 90-19 31st Avenue, Queens, New York, the Agents followed me in and arrested Pedro MORELL, Ramon BRUZON and myself. As the Agents ran into 90-19 31st Avenue, I yelled, "God damn, God damn!" which was a pre-arranged signal that the cocaine was in the basement of the premises.

Agents Mc Elroy and Tierney then put me in their car and drove me to 90 Church Street, New York, New York. When we got there, Agents Mc Elroy and Tierney searched me and another Agent took my fingerprints and picture. After Pedro MORELL and Ramon BRUZON were taken to jail, the Agents let me go home.

I have read this statement consisting of two (2) pages, initialed my corrections (if any) and the first page and signed the last page. This statement is true and correct to the best of my knowledge. No threats, force, or promises of rewards have been made to me and this statement is freely and voluntarily given.

Witnessed by

Eugene F. Mc Elroy
Special Agent

SIGNED

Witnessed by

Timothy J. Tierney
Special Agent

SA31

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCEVoucher No. _____
Schedule No. _____

PAID BY

Agency Bureau of Narcotics and Dangerous DrugsName of claimant Eugene F. Mc ElroyAddress 900 Ellison Avenue, Westbury, New York 11590

This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual☐ Payment of Reward☐ Purchase of EvidenceREMARKS: Per Diem Payment to SG100024 for period 7/3/72 thru 7/13/7277-73-18

Regional Funds

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

☒ I certify I received payment in the amount \$ 250.00 for purposes as stated above.☐ I certify that I rendered services as stated above for which payment thereof has not been received.(Sign Copy 3 only)
(Identification no.)Alfred Walsh date 7/1/72

I certify that payment of \$ _____ was made for services or evidence as stated above and that credit has not been received.

(Sign original only)

a. Type name of Special Agent(s)

Eugene F. Mc Elroydate July 13, 1972

b.

Approval of Supervisor
(Type name)Henry D. Fyladate July 13, 1972

Approval by Bureau when required

9. Accounting Classification

In accordance with authority vested in me, I certify that this voucher is correct and proper for payment in the amount of _____

(Sign original only)

(Type name of authorized certifying officer)

date _____

Paid by Check No. _____

12. Received in Cash, \$ _____

Signature of Claimant

date 7/1/72

Instructions for preparation of form are on reverse side

Copy - 3 - Cooperating Individuals File

REPORT OF INVESTIGATION

PAGE 1 OF 1

FILE TITLE Informant File: SG100024		IDENTIFIER	FILE NUMBER
<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION COMPLETED <input type="checkbox"/> ACTION REQUESTED FROM:		PROGRAM CODE Cooperating Individual	
BY Eugene F. Mc Elroy AT Special Agent Westbury, New York DATE June 5, 1972		OTHER OFFICERS	CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REPORT RE:		RELATED FILES	

Status Report SG100024

1. On May 24, 1972, SG100024, under the direction of Special Agent Mc Elroy, negotiated with Pedro MORELL and Ramon BRUZON. These negotiations resulted in the seizure of approximately 4 kilograms of cocaine in C5-72-0039 and the arrest of BRUZON and MORELL.
2. SG100024 is presently negotiating with _____ for delivery of 1 kilogram of cocaine. On May 1, 1972, the cooperating individual received a sample of 1.82 grams of cocaine from _____ in this case.
3. On June 1, 1972, SG100024 was paid \$1,500.00 for services rendered in C5-72-0039. The cooperating individual has not been able to furnish any non-drug intelligence during the past reporting months.
4. It is requested that SG100024 continue to be used as a cooperating individual for the Westbury District Office. The cooperating individual has no pending State or Federal cases.
5. The cooperating individual has been interviewed by Acting Special Agent In Charge Scharlatt during the past reporting period.

REGION DISTRICT OTHER	INDEXED JUN 13 1972 PAT dist	SIGNATURE (Agent) Eugene F. Mc Elroy, Special Agent APPROVED (Name and title) Henry D. Pyla, Special Agent In Charge	DATE
-----------------------------	---	---	------

PAT: 6/6/72

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COPY 1

SA33

Voucher No. _____
Schedule No. _____

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

PAID BY

1. Agency BUREAU OF NARCOTICS AND DANGEROUS DRUGS
2. Name of claimant Eugene F. Mc Elroy
3. Address 900 Ellison Ave., Westbury, New York

4. This Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual ☐ Payment of Reward ☐ Purchase of Evidence

5. REMARKS: Payment to S-GI-0-0024 for services rendered in C5-72-0039

6. CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

a. ☒ I certify I received payment in the amount \$ 1500.00 for purposes as stated above.

b. ☐ I certify that I rendered services as stated above for which payment thereof has not been received.

(Sign Copy 3 only) [Signature] date 4/1/72
(Identification no.) S-GI-0-0024

7. I certify that payment of \$ 1500.00 was made for services or evidence as stated above and that credit has not been received.

(Sign original only) _____ date _____
a. Type name of Special Agent Eugene F. Mc Elroy
b. Approval of Supervisor [Signature] date 4/1/72
(Type name) Henry D. Pyla

8. Approval by Bureau when required

9. Accounting Classification

10. Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment in the amount of \$ _____

(Sign original only) _____ date _____
(Type name of authorized certifying officer)

11. Paid by Check No. _____

12. Received in Cash, \$ 1500.00

[Signature] date 4/1/72
Signature of Claimant

Eugene F. M. Elroy
900 Ellison Ave.
Westbury, N.Y.

2 / Western Dist. Office

S-61-a-0024

June, 1972

PURPOSE (If applicable)

CAF - U.S. Currency

Pay ment for
Cooperating Individuals
for Service, under
The! AC-72-002-7

J-156-72
HP

Seizures
Exhibits
#8

6/1/72

Ernest H. Gray S/A

NAME AND TITLE (Print or Type)

SA35

Westbury DO

recd MAY 30

Recd

22 MA

10:45H

Action

(20)

7.

514 1431358

243Z MAY 72
DD HQS WASHDC
DD NEW YORK REGIONAL OFC
MIAMI REGIONAL OFC

S
LFREDO VALDEZ - GI-69-0115 ✓
ENCE YOUR TELETYPE OF 5-17-72, RECOMMENDING REGION 5
CEED ON BEHALF OF ABOVE SUBJECT AND RECOMMEND
NDED SENTENCE TO FEDERAL JUDGE AT MIAMI. ENC IS
REEMENT WITH THIS RECOMMENDATION.
R ENRIGHT, ENC

90V

recd MAY 30 1972

Recd

5:00

TYLA

snic

✓
1000 MIAMI DO
3000 WASH DC, HQS, ATTN: C MALPIN ENCC
500 NEW YORK HQ ATTN: DRD JENSEN

1. L. A. S.
ALFREDO VALDEZ GI-69-0115

FORN DO PLS PASS TO NEW YORK, SAIC, WESTBURY DO.
NY TEL OF 5/17/72. [REDACTED] AND TELETYPE BETWEEN DRD'S
AND HURNLEY ON 5/17 AND 5/18/72, REQUESTING INTERSESSION
ON BEHALF OF VALDEZ IN 5/18/72 SENTENCING AT MIAMI RE
PORTED CASE.

1972, ALFREDO VALDEZ APPEARED BEFORE JUDGE WILLIAM HENNING
OF FLA, AND WAS SENTENCED TO THREE YEAR PROBATION.

S. J. HURNEY JR. - DEP REGIONAL DIRECTOR ONLY COPY AVAILABLE

SA36

SGI 0:0024

64-WOOD

FILE

T

RECD

48
MAY
5:0

83 1402130

UTINE

BNDD MIAMI RO L

BNDD WASH DC, HQS, ATTN: G HALPIN ENCC

BNDD NEW YORK RO ATTN: DRD JENSON

PYLA

N C L A S

BJ: ALFREDO VALDES

GI-69-2115 ✓

W YORK RO PLS PASS TO HENRY PYLA, SAIC, WESTBURY DO

F NY TWX OF 5/17/72, TITLED AS ABOVE AND TELCONS BETWEEN DRD'S

NSON AND HURNEY ON 5/17 AND 5/18/72, REQUESTING INTERSESSION

REG 5 ON BEHALF OF VALDES IN 5/18/72 SENTENCING AT MIAMI RE

PTIONED CASE.

5/18/72, ALFREDO VALDES APPEARED BEFORE JUDGE WILLIAM MERHTENS

DC, SD OF FLA, AND WAS SENTENCED TO THREE YRS PROBATION.

OMAS F HURNEY JR- DEP REGIONAL DIRECTOR

SAIC

PORT OF INVESTIGATION

PAGE 1 OF 1

TITLE		IDENTIFIER	FILE NUMBER
Informant File: SG100024		PROGRAM CODE COOPERATING INDIVIDUAL	
ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION ACTION REQUESTED FROM:	OTHER OFFICERS		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Eugene F. Mc Elroy Special Agent Westbury, New York May 25, 1972		RELATED FILES	

RT RE:

Sentencing of SG100024

1. April 1, 1970, SG100024 was convicted of violation of 26 U. S. C. 4704 (a) in the Southern District Court, Miami, Florida.
2. On May 18, 1972, SG100024 appeared for sentencing before Judge William O. Mehrtens of the Southern District Court, Miami, Florida.
3. Judge Mehrtens sentenced SG100024 to Three (3) years Probation with the stipulation that the cooperating individual continue to cooperate with the Bureau of Narcotics and Dangerous Drugs. Judge Mehrtens told Special Agent Raymond Worsham of the Miami District Office that if it became necessary to put in writing this stipulation of probation, that he would do so.

INDEXED JUN 01 1972	SIGNATURE (Agent)	
	Eugene F. Mc Elroy, Special Agent	
	APPROVED (Name and title)	DATE
Jeffrey I. Scharlatt, Special Agent In Charge (Act.)		

PAT: 5/26/72

Bureau of Narcotics and Dangerous Drugs
Department of Justice

EUC

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SA38

WDO (64)

rec'd MAY 19 1972. paf

SENT 17-M

00671381432

IMMEDIATE

1 BNDD NEW YORK

0 BNDD HQS WASHDC ATTN JOHN R. ENRIGHT ASSISTANT DIRECTOR FOR CRIMINAL INVESTIGATIONS

0 BNDD MIAMI ATTN B.A. THEISEN, JR RD

N C L A S

Int. file

SUBJ SENTENCING OF ALFREDO VALDES (G1-69-0115)

IN DECEMBER 1969, ALFREDO VALDES WAS ARRESTED IN MIAMI, FLORIDA, IN CASE G1-69-0115 AND CHARGED WITH 26 USC 4704 (A). HE WAS ARRESTED WITH ONE KILOGRAM OF COCAINE. SUBSEQUENT TO HIS ARREST, VALDES AGREED TO COOPERATE WITH THE BUREAU OF NARCOTICS AND DANGEROUS DRUGS; IN THAT HE WOULD ASSIST IN THE INITIATION OF CASES AGAINST DRUG PEDDLERS. ON APRIL 1, 1970, VALDES WAS CONVICTED OF VIOLATION OF 26 USC 4704 (A).

VALDES SUBSEQUENTLY INTRODUCED AN UNDERCOVER AGENT TO THE INTRODUCTION RESULTED IN THE PURCHASE AND SALE OF 1/3 KILOGRAM OF COCAINE IN MIAMI BY THE AGENT. VALDES WAS CONVICTED AND WAS SENTENCED TO FIVE YEARS. HE IS PRESENTLY WAITING SENTENCING.

PAGE TWO 0067 U N C L A S

IN JUNE 1971, VALDES INTRODUCED AN UNDERCOVER AGENT TO A PREVIOUSLY CONVICTED FEDERAL NARCOTIC VIOLATOR. THE INTRODUCTION RESULTED IN TWO SEPARATE PURCHASES OF 1/8 KILOGRAMS OF HEROIN FROM AND THE SUBSEQUENT ARREST OF IN THE NEW YORK REGION. HE IS PRESENTLY ON BASIL AWAITING TRIAL IN THE EASTERN DISTRICT OF NEW YORK.

IN AUGUST 1971, VALDES TRAVELLED TO MIAMI IN CASE D INTRODUCED AN UNDERCOVER AGENT TO 1 THE INTRODUCTION RESULTED IN THE ARREST OF THESE THREE DEFENDANTS AND THE SEIZURE OF 7 KILOGRAMS OF COCAINE. AND THE SMUGGLER OF THE COCAINE. THE CASE IS NOW PENDING.

IN DECEMBER 1971, VALDES WAS NEGOTIATING FOR A SHIPMENT OF HEROIN (APPROXIMATELY 3 TO 4 KILOGRAMS) WITH BOTH CONSIDERED LARGE SCALE NARCOTIC TRAFFICKERS IN THE NEW YORK/NEW JERSEY AREA. AS A RESULT OF THIS UNDERCOVER NEGOTIATION IN THIS CASE, G1-71-0415, VALDES WAS SHOT CRITICALLY. HE LATER RECUPERATED.

ON MAY 1, 1972, VALDES INTRODUCED AN UNDERCOVER AGENT TO
RECEIVED A SAMPLE OF COCAINE FROM VALDES HAD PREVIOUSLY
PRESENTLY TAKING PLACE FOR DELIVERY AND SUBSEQUENT SEIZURE ARE
ONE KILOGRAM OF COCAINE IN THIS CASE, C5-72-0034.

VALDES IS ALSO PRESENTLY NEGOTIATING WITH PEDRO MORELL AND RAMON
BRUZON, COLUMBIANS WHO CLAIM TO SMUGGLE 5 TO 7 KILOGRAMS OF
COCAINE PER WEEK INTO THE NEW YORK AREA. AN UNDERCOVER AGENT WILL
BE INTRODUCED IN THE NEAR FUTURE.

BECAUSE OF THE LAPSE OF TIME BETWEEN VALDES' CONVICTION OF 26 USC
4704 (A) (TAX COUNT) AND THE PRESENT TIME AND THE DESIRE OF JUDGE
WILLIAM MURTON IN MIAMI TO DISPOSE OF THIS CASE, IT IS REQUESTED THAT
REGION FIVE INTERCEDE ON VALDES' BEHALF BY COMMUNICATING OUR
RECOMMENDATION OF A SUSPENDED SENTENCE, WITH THE UNDERSTANDING THAT
VALDES CONTINUES TO COOPERATE WITH THE BUREAU OF NARCOTICS AND
DANGEROUS DRUGS.

THIS REQUEST IS IN THE FORM OF A TELETYPE AS REGION TWO HAS JUST BEEN
ADVISED THAT VALDES IS TO APPEAR FOR SENTENCING ON MAY 18, 1972,
IN MIAMI, FLORIDA.

DANIEL P CASEY REGIONAL DIRECTOR
BT

NNNN

TT MESSAGE # 0067
FM BNDD NEW YORK

SA40

CHECK:	<u>Classification</u>	<u>Precedence</u>	<u>Security Classification</u>
	and	IMMEDIATE (*)	SECRET ()
	<u>Precedence</u>	PRIORITY ()	CONFIDENTIAL ()
		ROUTINE ()	UNCLASSIFIED (*)

TO BNDD HQS WASHDC ATTN: John R. Enright, Assistant Director for Criminal Inv

TO/INFO - REGION:	5, ATTN: B.A. Theisen, Jr.	(Name)	DISTRICT	(Organiz. Symbol)
TO/INFO - REGION:	Regional Director		DISTRICT	
TO/INFO - REGION:			DISTRICT	

SUBJECT: Sentencing of Alfredo VALDES (G1-69-0115)
Reference --
Case # or GFT Title:

(Message to be drafted = double-spaced + all capital letters)

TELETYPE MESSAGE ATTACHED.

From: DANIEL P. CASEY
REGIONAL DIRECTOR

DARD/ARD - JPJ 60
M 118 4/72

DATE: 5/17/72

PORT OF INVESTIGATION

PAGE 1 OF 1

FILE		IDENTIFIER	FILE NUMBER
Informant File: SC100024		PROGRAM CODE "COOPERATING INDIVIDUAL"	
ACTIVE <input type="checkbox"/> CLOSED <input type="checkbox"/> REQUESTED ACTION ACTION REQUESTED <input type="checkbox"/> COMPLETED COM	OTHER OFFICERS		CROSS FILE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Eugene F. Mc Elroy Special Agent Westbury, New York April 10, 1972		RELATED FILES	

 RE
 Status Report - April, 1972

1. During the past reporting period SC100024 has continued the investigation of CI-71-6415 and is presently attempting to introduce an undercover Agent to a large scale narcotic trafficker in the New York area.
2. SC100024 has received no monies to date and has been debriefed in the past reporting period by Acting Special Agent In Charge Jeffrey I. Scharlatt.
3. SC100024 has been unable to offer any non-drug information.
4. SC100024 will continue to be utilized as a Cooperating Individual.
5. SC100024 is a defendant in pending case

SIGNATURE (Agent)		
Eugene F. Mc Elroy, Special Agent		
APPROVED (Name and title)		DATE
Henry D. Pyle, Special Agent In Charge		

PAR: 04/14/72

OFFICIAL USE ONLY

ENC

 Bureau of Narcotics and Dangerous Drugs
 Department of Justice

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SA42

Voucher No. 583
Schedule No. 567

VOUCHER FOR PURCHASE OF INFORMATION
AND PURCHASE OF EVIDENCE

PAID BY
SV 2001

Agency Bureau of Narcotics and Dangerous Drugs

Name of claimant S/A Eugene F. McElroy

Address Westbury Dist. Ct. Office 900 Ellipse Ave.

Is Voucher Being Used For (Check one):

☒ Payment to Cooperating Individual

☐ Payment of Reward

☐ Purchase of Evidence

MARKS

10 Days per diem - 1972
April 1, 1972 through April 10, 1972
15-61-0-0024

PA-132-72

CERTIFICATION OF COOPERATING INDIVIDUAL (Check one)

I certify I received payment in the amount \$ 250.00 for purposes as stated above.

I certify that I rendered services as stated above for which payment thereof has not been received.

(Sign Copy 3 only)
(Identification no.)

Whitfield date 4-11-72
561-0-0024

I certify that payment of \$ _____ was made for services or evidence as stated above and that credit has not been received.

(Sign original only)

a. Type name of Special Agent

date 4/11/72

b.

Approval of Supervisor
(Type name)

H. P. G.

date 4/11/72

Approval by Bureau when required

9. Accounting Classification

1521100
5400/5450

In accordance with authority vested in me, I certify that this voucher is correct and proper for payment in the amount of

(Sign original only)

(Type name of authorized certifying officer)

D. J. G. Hall date 4/11/72

Payment by Check No.

12. Received in Cash, \$ 250.00

Signature of Claimant

date 4/11/72

RECEIPT FOR CASH OR OTHER ITEMS

Name, Title, Address (including ZIP Code), if applicable)

HENRY D. PYLA, SAIC WDO
700 ELLISON AVE.

Westbury, N.Y. 11590

ION/DISTRICT OFFICE

Westbury District OFFICE

FILE NUMBER

01-71-0415

DATE _____

4/11/72

I hereby acknowledge receipt of the following described cash or other item(s), which was given into my custody by the above named individual.

UNIT OR QUANTITY	DESCRIPTION OF ITEM(S)	PURPOSE (If applicable)
250.00	Two Hundred Fifty Dollars U.S. Currency	10 days per item at \$25 per day to 5-61-0-0024
	PA-132-72	portion 4/1/72 - 11/1/72
	(Operator's Submittal)	

RECEIVED BY (Signature)

WITNESSED BY (Signature)

NAME AND TITLE (Print or Type)

NAME AND

Report and Order Terminating Probation
 Prior to Original Expiration Date

 United States District Court
 FOR THE

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

ALFREDO VALDES

Crim. No. 69-521-Cr-WM
 RECEIVED
 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF FLA.
 JUL 10 1973

On May 18, 1972 the above named was placed on probation for a period of 3 years.
 He has complied with the rules and regulations of probation and is no longer in need of probation
 supervision. It is accordingly recommended that he be discharged from probation.

Respectfully submitted,

/s/ Donald M. Thomas

U.S. Probation Officer

Donald M. Thomas

ORDER OF COURT

Pursuant to the above report, it is ordered that the defendant be discharged from probation
 and that the proceedings in the case be terminated.

 Dated this 16th day of July, 19 73

 Certified to be a true and
 correct copy of the original.
 Joseph I. Robert, Clerk
 U. S. District Court
 Southern Dist. of Fla.

 W. O. MEERTENS
 United States District Judge

FPI 51-12-23 66 208-3124

 Deputy Clerk
 7/18/73

SA45

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

No. 69-521-Cr-WM

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs:)
)
ALFREDO VALDEZ,)
)
 Defendant.)
)
.....

Room 228,
United States Court House,
300 N.E. 1st Avenue,
Miami, Florida.
Thursday, May 18, 1972.

The above-entitled matter came on for sentencing,
pursuant to notice, commencing at 9:00 a.m.

BEFORE:

HON. W. O. MEHRTENS,
United States District Judge.

APPEARANCES:

BARBARA VICEVICH,
Assistant United States Attorney,
On behalf of the Government.

MAX ENGEL,
On behalf of the Defendant.

ALSO PRESENT:

Etta Mooney (interpreter) and the Defendant.

THE COURT:^{SA46} We have set for sentencing this morning No. 69-512-Criminal, United States v. Alfredo Valdez.

Mr. Valdez, I have a very favorable report from the presentence investigation on you, and I am inclined not to sentence you to confinement but to place you on probation.

Does counsel have anything to say before imposition of sentence?

MR. ENGEL: No, your Honor. I think that his presentence and the recommendations made to the Court are clear, and I am certain that your Honor is doing the right thing in the direction that you are taking. I have nothing else.

THE COURT: Mr. Valdez, do you have anything you would like to say?

THE DEFENDANT: No, sir.

THE COURT: Alfredo Valdez, it is the judgment of the Court and sentence of the law that the imposition of a sentence of confinement be deferred and that you be placed on probation for a period of three years.

Now, it is my duty to advise you that you have a right to appeal from this judgment and sentence; that if you desire to take an appeal it must be taken

within ten days. You are entitled to be represented by counsel and if you are indigent and unable to employ counsel, the Court will appoint one to represent you without any cost on the appeal. Further that if you are unable to pay the costs of the appeal, you may file a petition for leave to appeal in forma pauperis which, when granted, will enable you to take an appeal without any cost to you.

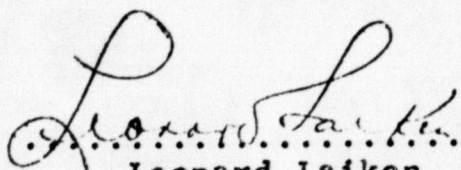
Those are your rights and it is my duty to advise you, although I would not imagine that you are going to take an appeal.

Good luck to you, sir.

THE DEFENDANT: Thank you, sir.

(Thereupon the proceedings were concluded.)

CERTIFIED A TRUE TRANSCRIPT:


.....
Leonard Laiken
Official Court Reporter

SA48
LETTER SUBMITTED TO COURT BY SANTANGELO & SANTANGELO
ON BEHALF OF DEFENDANTS DATED FEBRUARY 7, 1975

SANTANGELO & SANTANGELO

COUNSELLORS AT LAW
253 BROADWAY, SUITE 320
NEW YORK 7, NEW YORK
CORTLANDT 7-4488

MICHAEL L. SANTANGELO
GEORGE L. SANTANGELO
BERNARD B. COHEN

February 7, 1975

Hon. Mark A. Costantino
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Morell and
Bruzon, 72 Cr. 664

Honorable Sir:

This letter is submitted in behalf of the above defendants' request for a new trial based upon the new materials submitted by the Government to this Court on December 20, 1974 pursuant to the remand dated December 17, 1974 of the United States Court of Appeals for the Second Circuit of New York ordering "that this case is remanded ... with instructions to make appropriate findings of fact and conclusions of law."

In view of the fact that the new materials were obtained from the Drug Enforcement Administration by the United States Attorney during the appellate process at the mere request of the assistant handling the appeal, and that prior to the commencement of the trial, part of the material received was requested, the defendants contend that the Government's actions in failing to turn over said material was deliberate and grossly negligent. ¹

Defense counsel's specific request for material newly disclosed was made on March 5, 1974 prior to the re-trial of the defendants:

-
1. A period of two years elapsed between indictment and trial during which time it seems that no Assistant United States Attorney bothered to review the Drug Enforcement Administration file on the sole witness against the defendants, Alfredo Valdez.

-2-

"MR. SLOTNICK: Your Honor, I received what Mr. Kaplan characterized as 3500 material, but no Grand Jury material or written formal material of the arrest record of Valdez, of the deal in Florida, of his deal with McElroy, the agent and I noticed recently that on December 27, 1973 -- U.S. v. Holly, -- Judge Oakes wrote a separate decision criticising this kind of behavior, indicating the United States Attorney should give counsel material to work with, especially here, where I have a man claiming he doesn't understand me.

It would mean a call from Mr. Kaplan to find out the facts and circumstances of the deal.

MR. KAPLAN: I made total disclosure of anything to do with his testimony. I turned over all 3500 material. His arrest record in our possession and the incident took place two years ago.

MR. SLOTNICK: It is in the possession of the United States Attorney in Florida.

MR. KAPLAN: Not this United States Attorney." 2

During the entire trial, therefore, the facts surrounding Alfredo Valdez' arrest, conviction, probation and the conditions and circumstances surrounding the same were withheld from the defense and testified to in a totally false and misleading manner. The jury was unable, as defense counsel and this Court were unable, to determine the precise

-
2. The requested material was, at the time of the request, in the possession of the Drug Enforcement Administration and Agent Eugene McElroy of the aforementioned agency, who sat in Court next to the Assistant United States Attorney throughout the entire trial. Counsel requested, during the first trial, on February 27, 1974 "If I had a report indicating something about his arrest, I wouldn't use that term." (123) - Numerical references are to the Joint Appendix on file with the Circuit Court of Appeals and submitted to this Court for its convenience.

extent and reasons for the cooperation and testimony of the Government's main witness. ³ The record indicates that Valdez' testimony concerning the circumstances of his arrest, conviction and sentence were false and could only have shown to have been false through defense counsel's use of the material turned over to this Court on December 20, 1974. Valdez testified that he was sentenced in 1970 (316). He further testified in cross-examination

"Q. Or generally, May of 1972, were there any pending charges against you in any Court.

A. No, sir. ...

Q. Or awaiting sentence"

A. No, sir." (348)

In fact, according to the newly discovered materials, Valdez was not sentenced in 1970 but was sentenced on the 18th day of May, 1972, in the midst of the investigation being conducted in this case, and the sentence of three years probation had been recommended by the Drug Enforcement Administration and the Court conditioned his probation upon continued cooperation with the Government. Nevertheless, Valdez testified

3. The opening and summation of the Government placed considerable emphasis upon the Government's contention that Valdez' cooperation, both during the course of the investigation and during the trial, was without condition, pressure, threats or promises.

-4-

"Q. Did the United States Attorney or Federal Agent tell the Judge you were cooperating with them, before he sentenced you to probation? ...

A. I don't know." (359).

Not only was the information concerning the conditions of Valdez' sentence withheld from defense counsel but the Government specifically objected to this line of questioning with regard to the actions of the Government at Valdez' sentence concerning his cooperation and this Court correctly deemed it material due to the fact that that cooperation was a proper inquiry into the motivation of the witness. It was the duty of the Government at that time not to object to that line of questioning but to disclose that Valdez' cooperation in the investigation was a condition of probation, especially since Agent McElroy was at the Government's table.

The Government moreover specifically stated to the jury on summation that "We know that, at the time this case occurred in 1972, Valdez was under no compulsion to cooperate with the Government," (622) thereby evincing the Government's own estimate of the high relevance and materiality of that factor.⁴ Not only is that statement totally false but it constitutes grossly negligent conduct on the part of the Government attorney in view of the fact that the material was readily available. Whether or not the Assistant United States Attorney trying this case had actual knowledge of those facts, it is beyond dispute that Agent McElroy, sitting at the Government's table, had actual knowledge of those facts. Consequently "the Government had actual knowledge, thereby requiring full disclosure to defense counsel." See Giglio v. United States, 405 U.S. 150, 154 (1972).⁵

-
4. Cf. Garris v. United States, 390 F. 2d 862 (D.C. Cir., 1968):
"His own estimate of his case, and of its reception by the jury at the time, is, if not the only, at least a high relevant measure now of the likelihood of prejudice." At 866.
 5. In a report of investigation dated May 25, 1972 signed by Eugene F. McElroy, it is noted by McElroy that the District Judge in Florida, who sentenced Valdez to probation, told Special Agent Warsham of the Miami Detective's Office that the three years probation given to Valdez on May 18, 1972 was constitutional upon the stipulation that Valdez continue to cooperate with the Bureau of Narcotics and Dangerous Drugs and this stipulation was not put on the record but the District Judge indicated that he would put it in writing if it became necessary.

Since a significant part of the defense was based upon a contention that Valdez was still dealing in cocaine and that the cocaine seized was connected to him and/or Urbano Ramos, that position would have been corroborated had they been in possession of the undisclosed materials, which revealed that:

1. In each case that Valdez participated in prior to the Morell-Bruzon investigation, he introduced an undercover agent to effect the purchase of drugs.

2. In every case after the Morell-Bruzon investigation, Valdez introduced an undercover agent for the purpose of purchasing the drugs.

3. In a report of investigation dated April 10, 1972 signed by Agent McElroy, no mention is made of the Morell-Bruzon investigation which allegedly began in April, 1972, and, in fact, the report of investigation mentions that Valdez was, at that time, attempting to introduce an undercover agent to another person for the purpose of purchasing narcotic drugs. This information, in the hands of defense counsel, would have and could have been used to considerably support the defendants' contention that Valdez' involvement in this case was his own involvement.

Additional information bearing upon Valdez' motivation for testifying favorably for the Government is contained in the recently disclosed material. In April of 1973, the Drug Enforcement Administration, by its Regional Director, Daniel P. Casey, interceded with the Immigration and Naturalization Service, on behalf of Valdez' wife, who was an illegal alien, in order to permit her to remain in the United States until "these cases (including the Morell-Bruzon case) are brought to a conclusion." Moreover, according to that newly disclosed material, the Bureau of Narcotics and Dangerous Drugs directly interceded with the United States Attorney in Florida to obtain for Valdez a termination of his three year probation after little more than one year had expired. Accordingly, the true fact regarding Valdez' termination was that it occurred in July of 1973 at the instance and request of the Government and not sometime in 1974 after three years of supervision as the testimony at trial indicates.

The newly disclosed material contained significant and relevant facts which undoubtedly would have and could have been used by defense counsel

for the purpose of cross-examination and the defendants, therefore, are entitled to a new trial. United States v. Fried, U.S. Court of Appeals, 2nd Cir., October 12, 1973, slip op. p. 121, no. 133; United States v. Houle, U.S. Court of Appeals, 2nd Cir., December 27, 1973, slip op. p. 985, nos. 424, 425, 426. United States v. Badalamente, U.S. Court of Appeals, 2nd Cir., November 21, 1974, slip op. p. 5899, nos. 1186-1205.

It is the defendants' contention that in view of the significant amount of cross-examination material submitted to this Court together with the record of the prior trials, a hearing is not mandated in view of the Government's belated action in this case and a new trial should be ordered. If, however, this Court deems a hearing necessary, that hearing should center upon the nature and cause of the Government's failure to provide defense counsel with the newly disclosed materials until some nine months after the trial and three days before the case was to be heard before the Circuit Court of Appeals. The standard of materiality required to be shown by the defendants before this Court orders a new trial will depend upon whether the Government action in failing to disclose was purposeful, grossly negligent, merely negligent, or done through mere inadvertence. The higher the Government culpability found by this Court, the lower the standard of materiality required for the granting of a new trial. United States v. Kahn, 472 F. 2d 272 (2nd Cir., 1973), United States v. Miller, 411 F. 2d 825 (2nd Cir., 1969). Assuming, however, that the standard of materiality required to be shown by the defense is the highest standard required by this Court, the newly disclosed materials clearly mandate the necessity of a new trial.

Respectfully submitted,

Santangelo & Santangelo
Attorneys for Defendant, Bruzon
253 Broadway
New York, N.Y. 10007
212-267-4488

Barry Ivan Slotnick, Esq.
Attorney for Defendant, Morell
15 Park Row
New York, N.Y. 10038
212-233-5390

cc: David G. Trager
United States Attorney
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

PBB:CBA:sd
P. #741785

March 6, 1975

Honorable Mark A. Costantino
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Pedro Morell and
Ramon Bruzon, 72 CR 644

Dear Judge Costantino:

By letter of December 20, 1974, the Government provided the Court and defense counsel with copies of all material contained in two confidential files which related to the testimony of Alfredo Valdez at the trial of the defendants. As we indicated in our letter of December 11, 1974 to the Court of Appeals, we were not aware of the existence of these files until approximately a week before the Government's brief was due.

Having reviewed this material, defense counsel in a letter to Your Honor dated February 7, 1975 point to the following information contained in the files, as support for the defendants' motion for a new trial:

(1) Valdez was sentenced on May 18, 1972 and not in either May of 1970 or 1971 as he indicated at trial.

(2) The District Court Judge in Florida supposedly conditioned Valdez' probation on his continued cooperation.

(3) In all previous cases in which Valdez worked, he introduced undercover agents to the drug dealers.

(4) In April of 1973, the Drug Enforcement Administration requested that the Immigration and Naturalization Service permit Valdez' wife to remain in the United States with him until the cases on which Valdez worked were concluded.

Honorable Mark A. Costantino

March 6, 1975

(5) The Drug Enforcement Administration interceded with the United States Attorney's Office in Florida to obtain an early termination of Valdez' probation.

Defendants contend that these newly disclosed facts establish that Valdez testified falsely at trial concerning his arrest, conviction and sentencing and further that these facts are of such a highly material character as to require a new trial. These contentions are without merit.

The Government does not dispute the fact that Valdez was uncertain as to particular details of his sentencing. No doubt had the files been available to refresh his recollection, the desired goal of absolute accuracy would have been achieved and achieved ironically to the benefit of the Government. Thus, had the files been available, the defense would not have been able to suggest as they did at trial that Valdez was still on probation and under "the thumb of the Government" (605).^{*} In any event, Valdez' admitted confusion as to the date of his sentencing and as to possible representations made to the sentencing judge hardly reaches the level of perjured testimony.^{**} Finally, the Government believes that, in view of the immateriality of these and the other facts cited by defendants, they were not prejudiced by their inability to establish such facts at trial.

The question of whether or not a particular item or items of newly disclosed information is of such a nature as to require a new trial is, primarily dependent upon its significance viewed in light of all the evidence produced at trial.

^{*} Numbers in parenthesis refer to pages of the transcript of the trial.

^{**} With respect to Valdez' response that he did not know whether or not the United States Attorney or the Federal Agents advised the sentencing Judge of his cooperation before he was sentenced to three years probation, nothing contained in the files suggests that his answer was false. Although it is clear that the Judge was advised of Valdez' cooperation in some fashion, the transcript of his sentencing does not reflect that this was done orally in Valdez' presence (Transcript enclosed herewith). Thus, Valdez, as he in essence testified, did not have direct knowledge of statements made on his behalf. See Gordon v. United States, 344 U.S. 414, 422 (1953)

Honorable Mark A. Costantino

March 6, 1975

Where a prosecutor has either deliberately suppressed information or was grossly negligent in failing to disclose it, information will be judged by a lower standard of materiality than where the nondisclosure was the product of simple negligence or inadvertence. United States v. Kahn, 472 F.2d 272 (2d Cir. 1973). In the latter case of negligent nondisclosure, the Second Circuit has enunciated the following test that a new trial will be mandated only where there is "... a significant chance that the added item developed by skilled counsel ... could have induced a reasonable doubt in the minds of enough jurors to avoid a conviction." United States v. Miller, 411 F.2d 825, 832 (2d Cir. 1969); United States v. Houle, 490 F.2d 167, 171 (2d Cir. 1973), cert. denied, 94 S. Ct. 3175 (1974); United States v. Sperling, 506 F.2d 1323, 1333 (2d Cir. 1974).

The Government believes that the prosecutor's failure to discover and turn over the files at trial for an in camera inspection by the Court was neither deliberate nor grossly negligent as defendants maintain, but at the very worst merely negligent.* A detailed inquiry into the prosecutor's conduct however, is not required in this instance. The information which defendants gleaned from the files in support of their new trial motion would not justify a new trial even under the least stringent test of materiality involving deliberate suppression of information by the prosecutor.

Defendants' claim that this newly uncovered information shows motivation for Valdez to testify favorably is without merit. Whatever effect these factors may have had on Valdez' decision to work as an informant for the Government in 1972 and 1973, they would have had little if any effect on his testimony in 1974. As noted by one Court: "Bias is a state of mind, and only these events which can influence the mind at the moment of testifying are relevant to a demonstration of bias [footnote omitted]." Anstin v. United States, 418 F.2d 456, 458-459 (D.C. Cir. 1969). At the time of his trial testimony, Valdez had nothing either to gain or to fear from testifying. His debt to the Government was paid. He was no longer on probation and was living in

* The fact that the undisclosed files contained information favorable to the Government's case makes a deliberate suppression argument untenable.

Honorable Mark A. Costantino

March 6, 1975

Central America (315). Nothing in the trial record or the information in the files suggests that his trial testimony was provided in return for the expectation of any favors or the fear of any punishment. The fact that his wife may have been permitted to reside in the country while he testified in the past, that he received an early termination of probation, or that the Government may have interceded with the Judge in his behalf, was all past history and provided no significant motivation for his testimony at the time of trial in 1974.* Thus, this case is distinguishable from those cases cited by defendants in which the newly disclosed material had a significant effect on the motivation of the witness to testify at trial. United States v. Fried, 486 F.2d 201 (2d Cir. 1973). (A Government witness was the subject of any undisclosed indictment pending at the time of the trial); United States v. Badlamante, F.2d _____ (2d Cir. Slip Opinions, 5899 decided November 21, 1974) (an undisclosed letter written to the District Court Judge wherein the witness indicated he was being harrassed and pressured by the United States Attorney's Office).

Of considerable significance is the fact that Valdez' criminal record and his cooperation with the Government was brought to the attention of the jury at trial. He was not represented as a patriotic citizen willing to do his part to put an end to drug trafficking in this country. Although the defense may claim that these added facts regarding his cooperation are favorable "impeachment" evidence, the Court of Appeals has been careful to point out that a new trial is not required whenever "... a combing of the prosecutor's files after the trial has disclosed evidence possibly useful to the defense but not likely to have changed the verdict". United States v. Keogh, 391 F.2d 138,

* Defendants' additional argument concerning newly disclosed information on Valdez' modus operandi in the other cases on which he worked is frivolous. First of all, appellants have advanced no theory under which they would have been entitled at any time to disclosure of the facts of unrelated cases on which an informant worked. Their argument as to the so-called value of this information is entirely contrived assuming as it does, that the trial court would have allowed cross-examination as to such wholly collateral matters. See United States v. Miles, 480 F.2d 1215 (2d Cir.) cert. denied, 414 U.S. 1008 (1973); United States v. Marks, 368 F.2d 566, 567 (2d Cir. 1966), cert. denied, 386 U.S. 933 (1967).

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148 (2d Cir. 1968). Thus, the Court of Appeals has consistently stated in those cases involving the proper scope of cross-examination that "the issue is whether the jury was otherwise in possession of sufficient information concerning formative events to make a 'discriminating appraisal of a witness' motives and bias" United States v. Lipton, 467 F.2d 1161, 1166 (2d Cir. 1972) cert. denied, 410 U.S. 927 (1973), quoting from United States v. Campbell, 426 F.2d 547, 550 (2d Cir. 1970).

Furthermore, assuming arguendo that there was some impeachment value to these newly disclosed facts, the significance of impeachment evidence is not considered in a vacuum. United States v. Sperling, supra at 1335. In this instance, Valdez' testimony was hardly the sole evidence of defendants' guilt but was overwhelmingly corroborated by the discovery of four kilograms of cocaine on defendants' premises in their presence. Under these circumstances, the effect of even substantial impeachment evidence, much less the speculative variety discussed by defendants, would not justify a new trial.

Very truly yours,

DAVID G. TRAGER
United States AttorneyBy: _____
Carol Amon
Assistant U.S. Attorneycc: Santangelo & Santangelo
Attorneys for defendant, Bruzon
253 Broadway
New York, New York 10007Barry Ivan Slotnick, Esq.
Attorney for defendant, Morell
15 Park Row
New York, New York 10038

TRANSCRIPT OF HEARING HELD MARCH 13, 1975

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----X

4 UNITED STATES OF AMERICA, :

5 - against - : 72-CR-644

6 PETRO MORELL and :

7 RAMON BRUZON, :
Defendants. :

8 -----X

9
10 United States Courthouse
11 Brooklyn, New York
12 March 13, 1975
13 10:00 o'clock A.M.

14 B e f o r e :

15 HONORABLE MARK A. COSTANTINO,
16 U. S. D. J.17 CRIMINAL HEARING18
19
20 HENRI LE GENDRE
21 ACTING OFFICIAL COURT REPORTER
22
23
24
25

A p p e a r a n c e s :

2

DAVID G. TRAGER, ESQ.,
United States Attorney for the
Eastern District of New York

BY: C. AMON, ESQ.,
Assistant U.S. Attorney

G. SANTANGELO, ESQ.,
Attorney for Defendant Bruzon.

B.I. SLOTNICK, ESQ.,
Attorney for Defendant Morell.

* * * * *

1 THE COURT: Is this going to be a little long?

2 MR. SANTANGELO: Not overly long.

3 THE COURT: The three of you are standing
4 there. Shall I ask myself will it be a little long?

5 MR. SLOTNICK: It might have some significance.

6 THE COURT: How long will it last?

7 MR. SANTANGELO: 10 minutes.

8 THE COURT: I'll place on the record the Court
9 has reviewed the confidential files submitted to it
10 and reviewed it in camera and read the entire file,
11 and before making any determination, however, I wish,
12 if you have any statements to make, make your
13 statement with reference to whether or not you feel
14 the file itself might have been of any advantage to
15 you in the process of your case before the Court
16 and the jury weighing the testimony.

17 MISS AMON: Was there any material that you
18 found in the review of your files that was not
19 turned over that you felt that in any way related --

20 THE COURT: I found that all the material
21 that was pertinent to the issues in the case at this
22 time, this being collateral, I found it to be a
23 collateral issue and the balance of the material
24 that was turned over was sufficient under the
25 circumstances for a discriminating jury to make a

1 proper determination on in weighing the testimony of
2 the persons that testified. I found in this file
3 that you turned over to the Court for in camera
4 inspection, would have added nothing by way of
5 evidence or by way of cross examination or attack of
6 credibility of the witness himself.

7 MR. SANTANGELO: The materials turned over
8 to the defense counsel after trial, does that include
9 -- or just the in camera material?

10 THE COURT: The material that notified the
11 Court of Appeals that certain material had not been
12 turned over, which has now been turned over to the
13 Court for an in camera inspection, I found it made no
14 difference as to the outcome of the case in reference
15 to that file being completely collateral, would have
16 added no probative value whatsoever.

17 MR. SANTANGELO: There is other material
18 additionally turned over to defense counsel.

19 MISS AMON: That was also contained in the
20 two files.

21 THE COURT: Now tell me about that.

22 MR. SANTANGELO: The one point I would like to
23 make, if we go to the Government's brief in the
24 Court of Appeals. We made an argument in the
25 Court of Appeals that the prosecutor's summation, he

1 drew improper inferences.

2 THE COURT: I have no notice what your
3 arguments were in the Court of Appeals.

4 MR. SANTANGELO: I want to point out to the
5 Court what the Government's argument was in the
6 Court of Appeals. The Government argued that the
7 prosecutor probably stated that Valdez was sentenced
8 to three years probation in 1970 or 1971, which was
9 not true as we subsequently found out.

10 THE COURT: It was 1972.

11 MR. SANTANGELO: He was sentenced in 1972.
12 They were arguing that he was sentenced in 1971.

13 THE COURT: But the sentence was right, it
14 was probation.

15 MR. SANTANGELO: The prosecutor argued that
16 in both May of 1972 and at the time of his testimony
17 there was no charges pending against him. That's
18 untrue.

19 In May of 1972, there were charges pending
20 against him. He wasn't sentenced until May 18th,
21 1972. They then concluded to the Court of Appeals
22 that the prosecutor's summation therefore were proper
23 inferences drawn from the testimony.

24 Now, this is the Government's whole brief
25 with regard to the prosecutor's summation, and I

1 submit it's based on improper facts, not factual
2 findings, facts which are shown to be false after the
3 trial and facts which we could have used on cross
4 examination, your Honor, and on summation, and to
5 say whether or not --

6 THE COURT: I think if I recall the trial, I
7 believe the person we are speaking of, Mr. Valdez,
8 at that time in both direct examination and cross
9 examination, advised both sides on examination that
10 he had been arrested and that he had been placed on
11 probation. The year may not be the right year, but
12 let's assume that it was 6 months or three days later,
13 when he was sentenced, would that in any way affect
14 the fact that he was arrested or he was placed on
15 probation? Would it give it any greater weight,
16 probative value on behalf of the defendant?

17 MR. SANTANGELO: Yes.

18 THE COURT: In what way?

19 MR. SANTANGELO: This way: in the middle of
20 the investigation involving these defendants, this
21 man had charges pending against him. In the middle
22 of this investigation involving these defendants --

23 THE COURT: You are not saying that the charges
24 weren't revealed to the jury and the Court at the
25 time of his testimony?

1 MR. SANTANGELO: But what was not revealed
2 was the cosy relationship between the BNDD and the
3 defendant, whereby all kinds of things were done for
4 him which he didn't testify to on the stand.

5 For instance, in the middle of the investiga-
6 tion, out of the blue, they brought him down to
7 Florida and recommended that he get probation; that
8 the District Judge in Florida gave him probation on
9 the recommendation that he continue to cooperate with
10 the Government, and that recommendation is noted in
11 the minutes of sentence.

12 THE COURT: But the testimony of the foreman
13 himself is that he did cooperate with the Government,
14 he did act as an informant, not only in this case.

15 MR. SANTANGELO: As a condition of probation.

16 THE COURT: It doesn't matter what the
17 condition is. Assuming he said that's right, the
18 condition of my probation, would it change the
19 jury's mind that he was an informant or that he
20 insisted about revealing facts about a case?

21 MR. SANTANGELO: What those facts were --
22 when he was the only one that testified as to
23 supposed meetings at Defendant Morell's home, where
24 Morell had an alibi, supposed phone calls made to
25 my client Bruzon, which were denied.

1 THE COURT: Would that discredit his testimon,
2 because he said as a condition, "My information that
3 I could receive probation" -- would that discredit
4 him?

5 MR. SANTANGELO: I think it would.

6 THE COURT: Would it make any difference if
7 he said I did make these phone calls and the jury
8 believed it?

9 MR. SANTANGELO: The question is whether the
10 jury is going to believe him with the debt he had
11 to the Government. Nothing of that kind was brought
12 out on this trial, your Honor. The only thing that
13 was brought out, your Honor, is that he was arrested,
14 convicted. We'll limit it to say that he was limited
15 to possession, not dealing; couldn't get in whether
16 he was dealing in cocaine or not and then he was
17 sentenced some time after he pleaded to a probation.

18 We weren't allowed -- we couldn't go into the
19 exact kind of a deal he made. The recommendation
20 by the BNDD to a District Court Judge in Florida as
21 to what BNDD would like to see done.

22 THE COURT: You are allowed much less
23 elasticity.

24 MR. SANTANGELO: He didn't remember.

25 THE COURT: Don't make an incorrect statement.

1 Now, I remember, as your colleague sitting
2 in that chair, Mr. Slotnick knows, I remember every-
3 thing that happens in a trial. When I say there
4 was quite a bit of examination of this witness on
5 the witness stand, Mr. Valdez, and a great, great
6 deal of elasticity was given you for the purpose
7 of cross examination. It happened. Maybe you didn't
8 get the answers you wanted, but that's not the
9 Court's fault. You can't take hindsight and make it
10 20/20 vision.

11 MR. SANTANGELO: We couldn't get the answers
12 according to the Government on both direct and
13 cross examination, Valdez said he could not state
14 the date he was sentenced.

15 THE COURT: The jury is charged at the time,
16 if he fails to answer the question, if you find
17 his demeanor, his knowledge as to the answers to the
18 question to which he's responding in your judgment
19 are not proper, you may disregard his testimony.
20 They are the ones that must weigh it, not the
21 Court.

22 MR. SANTANGELO: He couldn't remember.

23 THE COURT: It doesn't make any difference.

24 MR. SANTANGELO: Whether there was any
25 recommendations made on behalf of him for sentence.

1 THE COURT: True, but I cannot substitute my
2 mentality for the mentality of the recollection of a
3 witness.

4 MR. SANTANGELO: What we have is Government
5 files which should be substituted for his recollection
6 and the Government had it.

7 THE COURT: The Government files indicated
8 nothing. What you are talking about had anything to
9 do with it. I just made the statement to you, that
10 the in camera inspection of the matters, they advised
11 the Court of Appeals that the BNDD had nothing to do
12 with this case except on a collateral basis, and no
13 probative value to affect a discriminating jury in
14 weighing a jury finding.

15 There was no limitation. There was absolutely
16 no limitation of either attorney cross examining Mr.
17 Valdez as to any of the conditions that might have
18 been attached to his probation number 1; and number 2,
19 that if there is a failure of recollection on the
20 part of the witness and the cross examination is
21 not effective enough to somehow give the jury an
22 impression that the fair recollection may be a
23 dishonest misrecollection, that's not the Court's
24 fault.

25 MR. SANTANGELO: I'm not arguing that. I'm

1 saying the Government had the information in his
2 files and for the jury to decide the case on a non-
3 recollection of a witness, when the Government has
4 relevant information in its files, is an unfair trial.
5

6 The second thing we asked for in the letter --
7 The first thing we asked for, we argued the standards
8 of materiality which has to be shown by the defense
9 with regard to this information, depending upon the
10 prosecutor's culpability. At this point in time, we
11 have no reason given by the prosecutor, why this
12 material was not given at trial. It was in the DEA's
13 possession. The DEA sat at that table all during
14 the trial.

15 THE COURT: Are you talking about the materials
16 that I received in camera, in chambers?

17 MR. SANTANGELO: The standards of materiality
18 which your Honor used to grant --

19 THE COURT: It would be a question of probative
20 value, whether or not the material should have been
21 turned over to you in the event they say they had it.

22 Now, they didn't even know it existed at
23 the time. But assuming they knew it existed, the
24 Court makes a finding, and I'll write a short
25 memorandum. I'm merely discussing it with you. The
Court would make a finding that the Government would

1 not have been ordered to turn that material over to
2 you. All right, on an in camera inspection, but I'll
3 have a written memorandum before you leave the
4 Court, so my opinion is clear.
5

6 MR. SLOTNICK: May I briefly be heard? As
7 your Honor well knows, I must apologize for not
8 being present on Tuesday, but on Tuesday I was faced
9 with exactly this same proposition. I was on trial
10 before Judge Knapp in the Southern District,
11 representing an attorney involved -- in cross
12 examining one of many accomplices or even attorneys
13 who testified against my client, and it has been
14 my habit, unfortunately during the past several
15 years, to ask for Brady material constantly, and to
16 ask for 3500 material constantly for the simple
17 reason, as your Honor reads the slip sheets as we
18 are involved in matters, the Court of Appeals, on
19 occasion, does remand cases back down to this Court
20 because of the Government's oversight. The last
21 case that I had was just a continuation of that.
22 I got 3500 material after some -- after cross
23 examination, and I presumed had my client not been
24 acquitted, I would get 3500 material three weeks
25 from now.

In this case the Government had two years

1 to prepare it; in that case they had two and a half
2 years. May his soul rest in peace, Judge Rosling
3 received an application where I asked for material.
4 I went into co-conspirators, informants, etcetera. I
5 put the Government on notice.

6 When this trial first began, as is my habit,
7 I indicated to the Court that I wanted 3500 material
8 and that's crystal clear from the record.

9 At page 287 of the record, I'm sure your
10 Honor -- I know your Honor's memory, your Honor
11 didn't have to go through it. I'm not as clear in
12 mind as your Honor is and I went through it. And I
13 said, your Honor, I believe what Mr. Kaplan charact-
14 erized as 3500 material but not Grand Jury written
15 form material of the arrest record of Valdez, of the
16 deal in Florida, of his deal --

17 THE COURT: I think I made a response
18 somewhere that if you wished to have it and he did
19 not turn it over, you had a right to call Florida
20 and ask them to send you a certification of that
21 arrest and also, the sentencing.

22 MR. SLOTNICK: Exactly what your Honor said.

23 "You get in touch with the U.S. Attorney in
24 Florida." Right on the same page.

25 THE COURT: How long was this case tried?

1 MR. SLOTNICK: 9 months. And at the time I
2 indicated to the Court, if I call the U.S. Attorney
3 in Florida, he would not be acceptable to turning
4 records over to me, but the records that were turned
5 over in this case are records of the Drug Enforcement
6 Administration, of which we realize they would not
7 be prone to turn over to us.

8 What they did turn over to us is, by admission,
9 material factors, they turned over to your Honor in
10 camera, but we were privy to Miss Amon or one of her
11 associates turned over material to defense counsel,
12 which was taken out of the in camera material, which
13 was given to your Honor, an accompanying letter.
14 This is material that we should have had turned over
15 during the course of the trial. I suggest that's
16 good faith. I suggest it's a little late, the
17 material.

18 May I reflect on my trial of this week, not
19 because I got an acquittal. It's rather important.

20 In that trial there was a witness who
21 testified and I received 3500 material later.
22 Fortunately I received it so that I would not have
23 to argue before a judge at some other time, because
24 I'm sure, without those little bits of 3500 material
25 which I received, my client would have been convicted.

1 Now, in this case, there are little bits.
2 Alfredo Valdez had a wife, his wife is -- and this
3 we learned from the material -- is here as an
4 illegal alien.

5 The Government was aiding her in maintaining
6 herself here as an illegal alien. As your Honor
7 says is collateral. I beg to differ.

8 The Wigmore case, the only exception to the
9 collateral evidence rule in these courts is when there
10 is an interest or a bias of the witness to be shown.

11 Now, certainly Mr. Valdez indicated that he
12 was a happily married man. He lived with his wife,
13 that they had a very fine relationship; that he
14 was a good husband. The innuendo was there. Certainly
15 he would have a reason to testify and to curry favor
16 with the Government based on protection of his wife.
17 I believe if I had an opportunity to cross examine
18 Mr. Valdez, it would have made a good point. Mr.
19 Valdez was the only live witness that testified
20 against my client. Fine. There was some cocaine
21 found. There was an agent -- I'm talking about an
22 actual live witness -- to give my client any type of
23 possession whatsoever.

24 Also, to be remembered, that the Government is
25 held to a stricter standard in the case. Your Honor

1 remembers my client testified. The Court of Appeals
2 said, when a defendant takes the stand, we are to
3 look at it much more seriously for the simple reason
4 he has said something, and therefore, that is to
5 be taken into account.

3 Now, there were several things that we had
7 received from the Government which are rather
8 indicative of matters.

9 THE COURT: Are you saying the most salient
10 point in the 3500 material is the fact that the
11 Government had an informer here who was an illegal
12 alien? The jury could have said well, we are going
13 to go along with the defendant? Would that be the
14 proper deduction to draw or would it rather, to say
15 that, well, that may be so, but we are interested
16 also in protecting, one of the informers; and two,
17 at least keeping the semblance of a family unit.

18 Would the other side be as cogent as the
19 argument you give?

20 MR. SLOTNICK: Your Honor is absolutely
21 correct.

22 THE COURT: Don't tell me I'm correct all the
23 time.

24 MR. SLOTNICK: Most respectfully, it may be in
25 this case, if your Honor maintains his decision, you

1 are correct except for the fact that it wasn't
2 within your Honor's province and his delegation of
3 duty. It was those 12 ladies and gentlemen. It was
4 up to them to determine that and that's the smallest
5 part.

6 THE COURT: And at most, it had nothing to do
7 with the direction issued in the case, except as a
8 collateral issue, as if to say to the jury, we had
9 this little bit to offer to you on cross examination,
10 that his wife came here illegally.

11 (continued next page.)
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MR. SLOTNICK: His wife was being maintained here illegally by the Government. They were helping him with regard to that.

The jury might have felt -- and again, that's the smallest point of it all. The jury might have felt that he would curry favor with the Government. The other point Mr. Santangelo made, I'm not going to repeat him.

THE COURT: I'm not taking issue with you as a defense lawyer that each and every little item may create some kind of doubt in a jury's mind which would go to the benefit of your client in some way, is not proper proposition for you to ask the Court. What I'm saying, with these collateral issues of such a nature, such probative value discriminate a jury in weighing the testimony -- would have said well, now, we have the reasonable doubt.

MR. SLOTNICK: I think most respectfully, the answer that I would have to give, and I say it in good faith, yes. I say if I had the material. One of the problems, and the record indicates that I had in cross examining this man, he was unable properly to speak English or understand my questions as I attempted to fire them at him.

I also questioned him without the basic

1 background or knowledge or understanding of what I
2 was asking him because I didn't have the record.

3 Now, someone once said, you never ask a question
4 that you don't know the answer to. In cross exami-
5 nation I couldn't --

6 THE COURT: Generally, that's only in a
7 negligence case. It doesn't happen in a criminal
8 case. A negligence case they never ask whether a
9 light was red or green, they are afraid of the
10 answers.

11 MR. SLOTNICK: I think I was restricted by
12 cross examination, not by the Court -- if anything
13 that's clear, the Court gives a defendant a fair
14 trial, but by the failure of the Government to turn
15 over the material, I was basically restricted in my
16 cross examination.

17 Now, the record is replete with it, and
18 again, your Honor, is rather familiar with the
19 record, I'm not going to waste time with the Court.

20 THE COURT: It comes down to this, whether or
21 not failure to turn over that portion of 3500
22 material supporting an illegal alien, wife of an
23 informant would have been of such a nature -- not
24 to do so might result in error on the Appeal.

25 The Court will take cognizance of that.

1 MR. SLOTNICK: Point number one.

2 THE COURT: Staying within the boundaries
3 that I discussed.

4 MR. SLOTNICK: My other point is the
5 standards, is whether competent or skillful counsel
6 could have developed it in his cross examination,
7 perhaps to develop a reasonable doubt.

8 THE COURT: That's what I said.

9 MR. SLOTNICK: Second point.

10 On May 18th, 1972, Valdez was sentenced. Now,
11 we had no idea that his sentencing took place in and
12 around the period of time -- and he received probation
13 around the period of time that he was reporting to
14 Mr. McElroy. I was sitting in the courtroom, Mr.
15 McElroy knew that as he sat next to the U.S. Attorney,
16 and it's important.

17 THE COURT: But you did know that he had been
18 placed on probation. You did know that. It makes
19 no difference from where the Court sits whether you
20 knew at the time that he received probation on May 18th
21 The fact remains, the jury was apprised of the fact
22 that he received probation and the jury could have
23 weighed that he received probation because he was
24 looking for something for himself, and they were
25 told to scrutinize the testimony of an informer.

1 He's always looking for something for himself, either
2 pay or otherwise.

3 MR. SLOTNICK: What is important is the fact
4 that he received probation a month after he was
5 submitting reports to Agent McElroy, the case agent
6 on this case and then he received probation and the
7 sentencing minutes which we have just gotten, is
8 rather clear. When Mr. Valdez' attorney says, "I
9 don't want to say anything on his behalf because your
10 Honor has the pre-sentence and recommendation."

11 Now, I would like to know what recommendation
12 the Government was making in the middle of the
13 investigation of my client. My client wasn't even
14 arrested yet, this is May 18th of 1972 in which this
15 happened.

16 THE COURT: You mean his lawyer said that to
17 me -- "and the recommendation"?

18 MR. SLOTNICK: The Government concedes.

19 THE COURT: I have no control over the
20 voluntary state of the attorneys to the Court, no
21 control whatsoever.

22 MR. SLOTNICK: Good thing to note that the
23 DEA was sending telegrams or I think they called them
24 Air-tels to the Judge indicating that he should have
25 probation and was securing all over the country on

1
2 behalf of this Alfredo Valdez, in attempting to get him
3 probation, whether they were successful or not is
4 something I leave to one's imagination; in attempting
5 to get him probation while he was involved in
6 informing against my client.

7 THE COURT: From the material facts in the
8 case in which -- we know he did receive probation.
9 The jury was advised that he did receive probation.
10 No one foreclosed the jury on that. They had these
11 things before them.

12 MR. SLOTNICK: But the specific factor, and
13 again, his answer was, and I suggest to the Court that
14 his answer was that he received probation 1971. The
15 case agent sitting here knowing that he received
16 probation in the middle of this case, while he is
17 dealing with him, to straighten that out. And I
18 think that that is somewhat, if less than a fraud
19 upon the Court.

20 THE COURT: That's not the best discretion of
21 the agent, knowing he received probation. The
22 U.S. Attorney should have said that's not a proper
23 fact, but the question is, what weight, if any, or
24 what detriment, if any, did it have to the case?

25 MR. SLOTNICK: I could have developed it on

1 cross examination to show that this man was under the
2 thumb of the Government at the time that he was
3 giving untrue statements. We must remember that his
4 testimony was not corroborated. He talked about
5 phone calls. They were not corroborated. He talked
6 about visits.

7 THE COURT: He did tell the jury that he did
8 receive probation.

9 MR. SLOTNICK: But I'm saying, during a
10 period of time that he gave the Government untrue
11 statements.

12 THE COURT: All right.

13 MR. SLOTNICK: Because it is my position and
14 it hasn't changed throughout all this, that my
15 client was not guilty and should have been acquitted.

16 During a period of time it's interesting to
17 note, he's working with DEA, he's working with
18 Agent McElroy, who sat here at the trial, a DEA
19 agent; during a period of time that he is under
20 indictment and pending sentence, he's submitting
21 information to Agent McElroy. That seems phenomenal
22 of a big proposition. He makes phone calls to either
23 my client or Mr. Santangelo's client, I'm not sure,
24 which are not corroborated, not taped. He visits
25 my client's home at the time when the testimony shows

1 that my client was not home. There is no testimony
2 that he ever visited my client's home other than
3 what he says. He was not followed, there was no
4 surveillance. He was the only witness who appeared
5 in court. I think we could have shown that the
6 reason he gave the Government these false reports
7 was for the purpose of currying favor.
8

9 THE COURT: Those arguments to the Court of
10 Appeals, was not their verdict sustained? As far
11 as this Court is concerned, there was more than
12 sufficient facts for it to go to the jury and for
13 them to weigh the probability in the reasonable doubt
14 involved in the case.

15 MR. SLOTNICK: I'm suggesting that those
16 facts which the Court is determining at this point
17 we should not have the benefit -- or we should have
18 had the benefit for the jury to make that determination
19 because after a conviction, for a defendant to come
20 back upon what we call an absolute purposeful
21 suppression of evidence by the Government, there is
22 no question about that. There is no denial by Mr.
23 Kaplan why he did it after he was told those files
24 existed, and I say that I would accuse him of
25 suppressing the material after a purposeful suppression.
Why shouldn't the Government let me argue these

1 points, to the jury, rather than your Honor, who is
2 really not the finger of facts.

3 Now, there are other issues involved. We
4 had no knowledge that in every previous case that
5 Valdez was involved in, he had introduced undercover
6 agents to the drug dealers. We had no knowledge of
7 this because this was a case, while he was giving the
8 Government false reports, he couldn't introduce
9 undercover agents to my client because my client was
10 not involved in cocaine, and that would have been an
11 excellent argument to the jury and that's what I have
12 gotten in this information which the Government was
13 so good enough to turn over, many pages of material,
14 and I could have said, ladies and gentlemen of the
15 jury, this is the first case in which Alfredo Valdez
16 while he's giving information about my client --
17 my client was not involved in anything -- certainly
18 that's a cogent argument without question. I think
19 unskillful counsel could have developed that during
20 cross examination and summed up to the jury. I would
21 have summed up differently if I had all this
22 information.

23 THE COURT: I don't know of any requirement
24 where informants must introduce an undercover agent.
25 There is no mention on argument to the jury. If you

1 think that's one of your instances that you would
2 like to draw to the jury on the presumptive evidence
3 -- no one would forestall you from doing that. Any
4 proof here that my client was ever introduced to
5 an undercover agent, the answer -- you answer it
6 yourself, no. There is no restraint on it. It would
7 be one thing if you made the argument in court and
8 the Court admonished you and said, "don't do that,"
9 that's something different. That didn't happen here.

10 MR. SLOTNICK: I couldn't make the argument
11 because I didn't have the background material. I
12 could have said for the first time, he didn't do what
13 his method of operation is.

14 THE COURT: You are telling me that requirement
15 in a case of this type, an undercover agent must be
16 introduced to the defendant, otherwise, what kind
17 of case is it?

18 MR. SLOTNICK: That's not what I say. I
19 am saying clearly, the following, and perhaps I can
20 analogize it.

21 THE COURT: Yes.

22 MR. SLOTNICK: A man works in a certain way,
23 as your Honor knows, modus operandi; Valdez had a
24 certain method of operation. Any drug operation that
25 he was involved in he would always introduce the bad

1 people, the drug sellers to a Government agent.

2 My client was not a bad person or drug seller,
3 therefore, he never introduced him to a Government
4 agent. That's crystal clear. That would have been
5 a very cogent argument to the jury had I had the
6 material, but I didn't. I didn't know what his
7 background was and I couldn't question him about it,
8 and again, I don't want to encumber the Court with
9 a record. My cross examination of Valdez was a
10 disaster. He stood there glassy-eyed and said,
11 "I don't understand a word you are saying." There
12 was a time when your Honor lost patience and said
13 we should get an interpreter.

14 THE COURT: He understood what you said.

15 MR. SLOTNICK: The record bears me out.

16 "I don't understand", I would indicate to the
17 Court, for example, that at page 131 where we
18 go through up here and your Honor said it, your
19 Honor said it, "that he just does not understand,"
20 at page 130. Your Honor said it again, "I think
21 you have a language barrier here,"

22 THE COURT: Because we were talking about
23 two different things. Even people who understand
24 English well -- I've said that many times. You may
25 be talking about one thing, and the witness thinks

1 you're talking about something else, and then the
2 Court must straighten it out. You are on different
3 tracks, get back to the track.
4

5 MR. SLOTNICK: There was no question here.
6 On these pages, you were talking about the fact that
7 he didn't speak English well.

8 THE COURT: No question about it.

9 (continued next page.)
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1 MR. SLOTNICK: And there is no question that
2 the material turned over to us later was material
3 that I indicated would be very helpful and that
4 the Government had, was not given to me.

5 Now, there are other points to be made with
6 regard to arguments that could have been made.

7 The fact of the matter is, after Valdez'
8 testimony, I could have asked him about the inter-
9 cession of the DEA with the U.S. Attorney's office
10 in Florida, which incidentally, your Honor, either
11 he didn't understand my question, or he incorrectly
12 answered it, or he purposely lied, but he said he
13 didn't remember and he wasn't sure. I was denied
14 the benefit of calling a witness. I could have
15 called McElroy. I could have asked him what he did
16 on behalf of Valdez.

17 THE COURT: He was in the court at all times.
18 He was available to you.

19 MR. SLOTNICK: That's right, and unless I
20 had the 3500 material or the Brady material that
21 was turned over to me.

22 THE COURT: You knew.

23 MR. SLOTNICK: Some months after the trial. I
24 had no right to call the man. I would be criticized
25 by the -- and supposedly a competent member of the

1
2 Bar.

3 THE COURT: You knew he was a case agent of
4 the case.

5 MR. SLOTNICK: Yes, but I had no idea that
6 the Government had gone to these lengths to
7 protect their informer. I could certainly show at
8 a minimum and an obligation on this man's part to
9 testify on behalf of the Government, and with that
10 I rest.

11 THE COURT: You are at complete disadvantage,
12 you weren't at the trial. The only reason I made
13 the comment I have a fairly good recollection of the
14 entire matter.

15 MISS AMON: Several things I would like to
16 point out:

17 First of all, Mr. Slotnick indicated that
18 the Government considered these material in
19 themselves, and that's why they were turned over.
20 That's not the case, your Honor. The Government
21 was not conceding the materiality of this information
22 turning it over. What the Government's position
23 would have been at trial, if we could have relived
24 the trial situation, had we known that these files
25 were available, which we did not know at the time,
we would have turned them over to the Court for

1 in camera inspection.

2 That would have been our position.

3 Also, the Government is not conceding absolute
4 purposeful suppression of this material as stated by
5 Mr. Slotnick: I think the comment, our letter, was
6 to the effect that there was no hearing required on
7 the actions of the prosecutor because under any
8 test, even assuming that it was purposeful, that
9 this material was not, in itself, useful to the
10 trial or to impeach Valdez, but the Government is
11 not conceding by any means, that this was purposely
12 done.

13 And second of all, I'll just add a few things
14 with regard to the material itself. I think the
15 important point and the point we brought out in our
16 letter, you view it from the witness' testimony at
17 the time of trial, and none of these factors cited
18 by defense counsel have any value as to his
19 impeachment at the time of trial or his reason or
20 motivation to testify at the time of trial.

21 As we stated in our letter of March 6th, 1975,
22 all of this was over and done with. In other words,
23 none of these things provide a motivation for his
24 testimony at trial.

25 At the time of trial he was living in South

1 America , he was not under any restraint or any
2 fear of what could happen to him by the Government
3 at that time.

4 Also, the fact that Mr. Slotnick pointed out
5 that Valdez was the only live witness and his
6 testimony was not corroborated; as your Honor is
7 well aware, his testimony was corroborated by the
8 fact that the DEA agent testified that 4 kilograms
9 were found in the possession of the defendants. That's
10 the strongest corroboration.

11 There are only two other points with respect
12 to Mr. Slotnick's comment, either to Valdez' modus
13 operandi; in other cases under no theory of 3500
14 material or Brady material whatever he was going
15 to characterize it, would the Government be required
16 to turn over to the defense the facts of the other
17 cases on which the informant worked. In other words,
18 Mr. Slotnick's point is, if he had the facts of all
19 the other cases on which Valdez worked, he could
20 have shown that it was a different modus operandi on
21 this case, but under no circumstances would he have
22 been entitled to unrelated cases on which the
23 informant worked.

24 As your Honor pointed out, the main things
25 about Valdez and the important thing about his

1 credibility, were brought out by the Government,
2 the fact that he committed an offense, that he was
3 given three years probation. It was argued from the
4 record that he corroborated with the Government.

5 If anything, the confusion which resulted from
6 not being aware of the correct sentencing date of
7 Valdez was helpful for the defense, rather than
8 harmful. As we stated in our letter of March 6th,
9 the defense was able to make the inference at the
10 time he testified. There was still some hold on the
11 Government and that's the important time frame that
12 we would be looking at at the time that he testified
13 he was still on probation, and that was left to the
14 jury, and the new file reflects that he was not on
15 probation, he was in Central America. The Government
16 had no hold on him.

17 THE COURT: All right.

18 MISS AMON: Those are the points.

19 THE COURT: I'll review it once more.

20 MR. SLOTNICK: May I say one more thing? It's
21 interesting to note that the three year probation is
22 less than a year and a month, another fact that I
23 didn't know, which I should have shown he was
24 beholden to; also for your Honor's benefit of what a
25 Judge of concurrent jurisdiction recently ruled, and

1 it may be helpful: it may not be -- again, I relate
2 back to my last case. I relate back to my last case,
3 I got an acquittal. This specific problem came up
4 and the question of Government suppressing 3500
5 material which I received after my cross examination,
6 Judge Knapp indicated that he would give me a hearing
7 to determine why the prosecutor had not given me the
8 material in the proper time.

9 With regard to the 3500 material, the Government
10 is obligated by an Act of Congress, as your Honor
11 well knows, giving all statements that they have of
12 their witness.

13 I think it's clear, crystal clear. I think we
14 are entitled to that report.

15 THE COURT: Nobody disputes that.

16 MR. SLOTNICK: We would ask your Honor to
17 reconsider.

18 THE COURT: I haven't come to a final decision.

19 MR. SLOTNICK: We have submitted to your
20 Honor, I don't know whether your Honor has it or not,
21 a copy of the record or the appendix filed, our brief,
22 the Government's brief and some letters that we have
23 submitted to your Honor, together with, I don't know
24 whether your Honor has segregated what the Government
25 has given us. You have that?

1 THE COURT: Yes.

2 MR. SLOTNICK: With that, we rest, your Honor.

3 THE COURT: Quarter after 11 you'll have the
4 determination.

5 (Whereupon a recess was had.)

6 (After recess:)

7 THE COURT: After examining the material turned
8 over to defense counsel, the materials provided to
9 me for inspection in camera, that were not turned over
10 to defense counsel, and the letters submitted by the
11 Assistant U.S. Attorney and defense counsel, the
12 Court makes the following determination:

13 While the files contain fairly extensive
14 information about the informant, including vouchers,
15 reports of other non-related investigations and
16 various other documents, this Court finds that the
17 materials do not warrant a retrial or a determination
18 that the defendant's right under Brady versus
19 Maryland were violated.

20 The first question raised is which standard
21 of materiality should be utilized to judge the
22 importance to defendants of newly discovered material.
23 The lowest standard, and that is, an easier burden
24 of proof for defendants, is to be used where the
25 prosecutor has either deliberately suppressed

1 information or has been grossly negligent in failing
2 to disclose it to defense counsel. A more difficult
3 standard for defendants is used where the conduct
4 of the prosecutor is the product of mere
5 negligence or inadvertence. See United States versus
6 Kahn, 472 Fed. 2d 272 Second Circuit, 1973.

7 Without making any findings whether the
8 prosecutor's conduct in this case was grossly
9 negligent or merely inadvertent, this Court holds
10 under either standard, the relief requested by defense
11 counsel should be denied.

12 The information disclosed in the files is
13 either cumulative of information already known to
14 defense counsel at trial, and incidentally used by
15 them to cross examine the informant, or is irrelevant
16 to this investigation, and therefore, inadmissible
17 at trial.

18 Counsel for defendants at trial skillfully
19 exploited the informant's character, past actions
20 and relationship to the Government; more of the same
21 would not have helped their cause.

22 Accordingly, the relief requested by defense
23 counsel is denied. The Court would like to say that
24 the Government should learn a lesson from this
25 incident, care should be taken not to conceal this
type of information in the future, and the failure

1 of Agent McElroy to correct misinformation was
2 serious error. That's the Court's determination.
3

4 MR. SANTANGELO: Respectfully except to the
5 ruling.

6 THE COURT: Thank you.

7 (Case concluded.)
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SA96
ORDER DENYING NEW TRIAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
THE UNITED STATES

v.

PEDRO MORELL and
RAMON BRUZON

-----x
COSTANTINO, D.J.

:

72-CR-644

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: MEMORANDUM and ORDER

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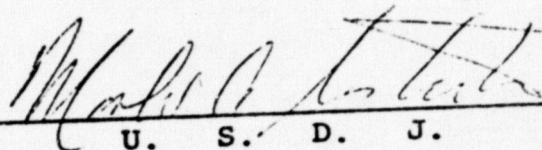
MAR 14 1975

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The motion for a new trial is denied, for
the reasons stated on the record on March 13, 1975.

So Ordered. *


U. S. D. J.



STATE OF NEW YORK)
 : SS.
COUNTY OF RICHMOND)

ROBERT BAILEY, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the 30 day of May , 1975 deponent served the withing Supplemental "pon

Appendix

Hon. david G. Trager
U.S. Atty., East. Dist. of NY

attorney(s) for
Appellee

in this action, at

225 Cadman Plaza East, Brooklyn, N.Y. 11201

the address(es) designated by said attorney(s) for that purpose by depositing true copies of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

.....
ROBERT BAILEY

Sworn to before me, this

30 day of May, 1975.

.....
WILLIAM BAILEY

Notary Public, State of New York

No. 43-0132945

Qualified in Richmond County

Commission Expires March 30, 1976